

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|---------------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, |) | CR. NO. 99-00148 SOM |
| |) | |
| Plaintiff, |) | ADMINISTRATIVE ORDER |
| |) | REGARDING RETROACTIVE |
| vs. |) | AMENDMENTS TO CRACK |
| |) | COCAINE GUIDELINES |
| JOSEPH SHORTS, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| <hr/> UNITED STATES OF AMERICA, |) | CR. NO. 00-00145 SOM |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| ALICIA VELORIA, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| <hr/> UNITED STATES OF AMERICA, |) | CR. NO. 02-00287 SOM |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| REBECCA KAMAKAWIWOOLE, |) | |
| |) | |
| Defendant. |) | |
| <hr/> |) | |

ADMINISTRATIVE ORDER REGARDING
RETROACTIVE AMENDMENTS TO CRACK COCAINE GUIDELINES

Rustam Barbee is appointed to represent Rebecca Kamakawiwoole in Crim. No. 02-00287 SOM and Alicia Veloria in Crim. No. 00-00145 SOM, and Stuart Fujioka is appointed to represent Joseph Shorts in Crim. No. 99-00148 SOM. These defendants have been previously determined to have been entitled to appointment of counsel and were sentenced in this district for crimes involving crack cocaine. This appointment is for the purpose of determining whether the defendants qualify to seek a reduction of sentence and to present motions under 18 U.S.C. § 3582(c)(2), stipulations, or other filings relating to a reduction of sentence in accordance with the recent retroactive amendments to crack cocaine base offense levels under USSG § 2D1.1. Mr. Barbee's representation of Ms. Veloria concerns only her pending motion, set for hearing on Monday, March 31, 2008, at 10:30 a.m., under 18 U.S.C. § 3582(c)(2), not her pending motion under 28 U.S.C. § 2255 scheduled to be heard on the same day. Mr. Fujioka is appointed in light of his earlier representation of Mr. Shorts.

The United States Probation Office for the District of Hawaii is authorized to disclose to defense counsel named in this order the Presentence Investigation Report and the Statement of Reasons earlier submitted with respect to any of the above-captioned defendants.

The Bureau of Prisons has calculated tentative “projected release dates” for the above-captioned defendants, subject to further verification by counsel. Joseph Shorts has a “projected release date” of August 22, 2011. Alicia Veloria has a “projected release date of June 15, 2010. Rebecca Kamakawiwoole has a “projected release date” of November 24, 2013.

In the case of any defendant whose “projected release date” is in or before 2010, defense counsel shall, by **the earlier of one week after confirming with the defendant that counsel will be representing him or her or thirty days from the date of this Order**, send an Initial Notification to the court. The Initial Notification to the court shall state the following:

1. That defense counsel has communicated with the defendant concerning the amended guidelines, including in that communication: (a) notice to the defendant that the amendments do not guarantee a reduced sentence, as the court may determine that the amended guidelines do not apply to a particular sentence or that, even if they do apply, a reduction is not warranted; and (b) notice to the defendant that a reduction in sentence, or even possible transport for a hearing if transport is authorized by the court, may disrupt certain prison programs that the defendant is seeking to enter or is already participating in; and

2. That the defendant has agreed to be represented by the attorney, has waived any conflict that counsel may have identified, and has expressed an interest in seeking a reduction or has declined to seek a reduction.

The Initial Notification shall be filed with the court and served on the Office of the United States Attorney and the United States Probation Office.

For defendants whose “projected release date” is in 2011 or later, the deadline for the Initial Notification to the court is **sixty days** from the date of this Order.

By the earlier of 60 days after the submission of the Initial Notification or 30 days before the “projected release date,” either a defense motion for a reduced sentence or a stipulation or agreement between the parties as to a reduced sentence shall be submitted to the court.

Any deadline set forth in this Order may be advanced or extended in a particular case by the sentencing judge, either upon a party’s request or sua sponte.

To assist defense counsel, the court provides the following information:

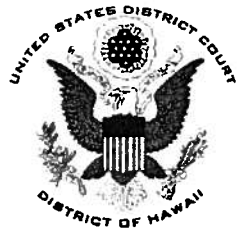
| Defendant/ Criminal No. | Register #/ Designation Facility | AUSA | USPO | Sentence Date | Imprisonment Term Imposed (Months) | TOL/CHC Original GL Range (Months) | TOL/CHC **New GL Range (Months) |
|--|--|---------------|--------------|---------------|--|--|---------------------------------------|
| Joseph Shorts 99-00148 SOM | 87101-022 FCI Big Spring | L. Schydlower | T. Longboy | 02/14/00 | 168 | 3/IV 168-210 | 30/IV 135-168 |
| Alicia Veloria 00-00145 SOM | 14144-006 FTC Oklahoma City | T. Brady | A. Shimokawa | 11/03/03 | 97 | 30/I 97-121 | 28/I 78-97 |
| Rebecca Kamakawiwoole 02-00287 SOM | 89165-022 FCI Dublin | C. Thomas | M. Godinet | 02/14/05 | 121 (departure) | 31/IV 151-188 | 29/IV 121-151 |

****New guideline range takes into account 2-level decrease in base offense level pursuant to Amendments 706/711, unless otherwise noted.**

The Clerk of Court is directed to file this Order in each criminal number captioned above and to serve the Order on the above-named defense attorneys and on the United States Attorney's Office.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii; February 28, 2008.



/s/ Susan Oki Mollway
SUSAN OKI MOLLWAY
UNITED STATES DISTRICT JUDGE

USA v. Shorts, Cr. No. 99-00148 SOM; USA v. Veloria, Cr. No. 00-00145 SOM;
USA v. Kamakawiwoole; Cr. No. 02-00287 SOM; Administrative Order
Regarding Retroactive Amendments to Crack Cocaine Guidelines