

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	
)	Criminal Docket no.
)	
)	
)	
Defendant.)	
)	

ORDER APPOINTING COUNSEL

Before the Court is Defendant's *pro se* Motion Under 18 U.S.C. § 3582(c) (Docket # 124). Having conducted an initial review of the Motion and the record, the Court has determined that the Defendant may be entitled to a reduction in sentence once the revision of U.S.S.G § 1B1.10 becomes effective on March 3, 2008. Therefore, the Court hereby APPOINTS COUNSEL to assist the Defendant in connection with all proceedings related to this Motion.

SO ORDERED.

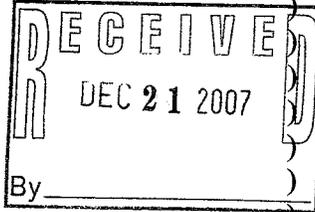
/s/ George Z. Singal
Chief U.S. District Judge

Dated this 19th day of December, 2007.

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,

v.



Criminal Docket no.

Defendant.

SCHEDULING ORDER FOR SENTENCE MODIFICATION

By Order dated December 19, 2007, the Court appointed counsel to the Defendant in order to assist with any sentence modification pursuant to 18 U.S.C. § 3582(c)(2).

By this Order, the Court hereby ORDERS the preparation of a supplemental presentence report that accounts for the amended base offense level¹ as well as any public safety considerations and post-sentencing conduct (“1B1.10 Report”). Probation will provide this 1B1.10 Report to counsel within 14 days of this Order. Counsel shall have 14 days to review the 1B1.10 Report and file any objection with the Probation Office.

In connection with the filing of any objections to the 1B1.10 Report and within 28 days of this Order, counsel for Defendant shall file any amended motion for sentence reduction or notify the Court of Defendant’s intention to proceed on the basis of the previously filed *pro se* Motion.

The Government need not respond to the pending *pro se* Motion at this time. Rather, the Government shall respond to Defendant’s Motion within 21 days of the filing

¹ As required by the version of USSG. § 1B1.10 that becomes effective on March 3, 2008.

of any amended motion or the notification of Defendant's intention to proceed based on the previously filed *pro se* Motion.

The Defendant shall reply within 11 days of the filing of the Government's response. In addition to any legal or factual argument, Defendant's reply shall include the following:

- (1) whether the Defendant consents to proceed pursuant to Federal Rule of Criminal Procedure 43(b)(4) or whether the Defendant wishes to be present at any hearing to determine a sentence modification;
- (2) whether the Defendant requests a hearing or wishes to proceed on the papers, in which case the Court would issue a written order;
- (3) to the extent Defendant requests a hearing, the reply shall indicate what evidence, if any, the Defendant wishes to present at the hearing and explain how that evidence falls within the Factors for Consideration described in USSG §1B1.10 Application Note 1(B).
- (4) an estimate of how much time Defense counsel anticipates needing for a hearing.

To the extent Defendant consents to a sentence reduction on the papers or pursuant to a hearing in his absence, Defense counsel shall file appropriately executed waivers with the reply or indicate when such waivers will be filed in light of any additional time needed to obtain the Defendant's signature. Waivers can be obtained from the Clerk's Office.

Upon receipt of Defendant's reply and a revised PSR, the Court will schedule any requested hearing. Counsel are advised that if the Defendant is currently outside the District it may take up to three (3) weeks to have the Defendant transported back to the

District of Maine. All requested hearings will be scheduled to allow for this travel time unless the Defendant consents to proceeding pursuant to Rule 43(b)(4).

SO ORDERED.

/s/ George Z. Singal
Chief U.S. District Judge

Dated this 21st day of December, 2007.