

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

CR 98-123-BLG-CCL-01

Plaintiff,

ORDER

-v-

DENNIS WORLEY,

Defendant.

The Court is considering whether this Defendant is eligible for consideration of a possible reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2). Accordingly,

IT IS HEREBY ORDERED that Federal Defenders of Montana are appointed to represent the Defendant for the purpose of determining eligibility and, if found, then filing a motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and based upon Amendment 706 of Appendix C to the *Sentencing Guidelines* (2007). Amendment 706 provides a two-level downward adjustment for the base offense levels pertaining to crack

cocaine.

IT IS FURTHER ORDERED that should the Federal Defender determine that no motion is appropriate under the circumstances of the case, the Federal Defender shall so notify the Defendant, the U.S. Probation Office, and this Court within 10 days of this date.

IT IS FURTHER ORDERED that upon the filing of such motion, the United States Probation Office shall within 30 days prepare and distribute to the parties an Addendum to Defendant's Presentence Report that recalculates Defendant's guideline range in light of the *Guidelines Manual* (2007), Appendix C, Amendment 706. The Addendum shall also report to the Court all pertinent factors related to a potential section 3582(c)(2) reduction, including defendant's post-sentencing conduct, for the Court's consideration, as outlined by the *Supplement to 2007 Guidelines Manual - March 3, 2008*, Amendment 712, USSG §1B1.10, comment. (n.1(B)(I)-(iii)).


Prior to submitting this Addendum to the Court, the Probation Office and the parties shall engage in a dispute resolution process. Counsel for each party shall present their objections, if any, to the Addendum to the probation officer

within 10 days after receipt thereof, or shall notify the officer of no objection. Within 10 days after receiving any objections or notification that there are none, the Probation Office shall then deliver to the Court (1) a copy of the original Presentence Report, including the original sentencing recommendation, (2) the Addendum in final form, and (3) the probation officer's recommendation on reduction of sentence. The probation officer shall not disclose, directly or indirectly, to anyone under any circumstances, the substance or contents of any recommendation made or to be made to the Court.

Upon receipt of these materials from the Probation Office and upon completion of briefing from the parties, the Court shall deem the matter submitted. In disputed cases the Court may set the matter down for hearing before the Court. A defendant need not be present at any hearing on the matter. Fed. R. Crim. P. 43(b)(4).

The Clerk shall notify the Defendant, counsel for the parties, and the United States Probation Office of entry of this order.

DATED this 4th day of March, 2008.


CHARLES C. LOVELL
SENIOR UNITED STATES DISTRICT JUDGE