
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

§
§
§
§
§

vs.

CRIMINAL ACTION G-01-9-2

FRANK WESLEY JOHNS

Order


Pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. § 3006A(a)(1) and (c) , and finding that persons presently serving prison terms are financially eligible for appointed counsel under the provisions of that Act, the Office of the Federal Public Defender for the Southern District of Texas is hereby appointed to represent any defendant, previously determined to have been entitled to appointment of counsel, to determine whether or not that defendant may qualify to seek reduction of sentence and to present any motions or applications for reduction of sentence in accordance with the revised base offense levels for crack cocaine, U.S.S.G. § 2D1.1.

Criminal Justice Act panel attorneys who were previously appointed to represent defendants may resume their appointment to investigate and pursue any similar claims for their clients. Such attorneys shall notify the Court, the Federal Public Defender and the United States Attorney's Office that they will continue their representation of their clients, and the Federal Public Defender shall be relieved of representation of those clients. Should the Office of the Federal Public Defender determine that there is a conflict with regard to the representation of a particular defendant, the Clerk of the Court is authorized to appoint a member of the Criminal Justice Act panel of this Court.

The Federal Public Defender's Officer and the United States Attorney's Office shall be permitted access to and a copy of the presentence report in any case that is the subject of this Order. If the Federal Public Defender determines that it cannot continue with the representation of any defendant after reviewing the presentence report, the Federal Public Defender will not, without prior court authorization, disclose the presentence report, or any information learned by reviewing it.

All motions and pleadings seeking a sentence reduction or in opposition to such reduction will be filed in the original criminal proceeding.

Signed at Houston, Texas on February 26, 2008.



Gray H. Miller
United States District Judge -