

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: PETITIONS FOR RETROACTIVE,
APPLICATION OF NOVEMBER 1, 2007
AMENDMENT TO CRACK COCAINE
OFFENSE LEVEL GUIDELINES

2008 FEB 11 PM 3:49
U.S. DISTRICT COURT
CLERK
08-9

ADMINISTRATIVE ORDER

AND NOW, this 11th day of February, 2008, pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. §3006A(a)(1) and (c), because of the need to efficiently process motions to reduce crack cocaine sentences under 18 U.S.C. §3582(c)(2), IT IS HEREBY ORDERED that the Federal Public Defender for the Western District of Pennsylvania is hereby appointed to represent any defendant sentenced in this district who might be eligible for a reduction of sentence under the 2007 Amendment to the crack cocaine sentencing guidelines, to evaluate whether that defendant may seek and receive a reduction of sentence and to present any motions or applications relating thereto.

If a defendant will be better served by being represented by prior counsel appointed under the Criminal Justice Act, said counsel will be appointed to investigate and pursue a sentence reduction on behalf of that individual. In the event the Criminal Justice Act panel attorney is no longer available to provide such representation, the Federal Public Defender will represent said defendant, except in cases involving a conflict of interest, in which case another CJA panel attorney will be appointed.

Should the Federal Public Defender determine that a defendant, previously represented by retained counsel, is potentially eligible for a reduction of sentence, the Federal Public Defender shall notify said defendant and prior counsel. In the event that the defendant is financially unable to currently retain counsel, the Federal Public Defender will be appointed to represent said defendant, except in cases involving a conflict of interest, in which case a CJA panel attorney will be appointed.

The United States Probation Office is hereby authorized to disclose to the Federal Public Defender's Office and other newly appointed CJA counsel, the Presentence Investigation Report of any defendant who might be eligible for a reduction of sentence based on the retroactive crack cocaine amendment.

The Clerk's Office shall notify the Federal Public Defender of all past, present and future pro se motions to reduce sentence under 18 U.S.C. § 3582(c)(2), relating to the retroactive crack cocaine amendment.

All motions and pleadings seeking a sentence reduction or in opposition to such reduction will be filed at the original criminal docket number. In the event that the sentencing judge in the original proceeding is no longer a member of the bench of this district, the case shall be reassigned.

SO ORDERED:



DONETTA W. AMBROSE, Chief Judge
United States District Court
Western District of Pennsylvania