

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**IN RE:** : **STANDING ORDER NO. 14-6**  
:   
: **APPOINTMENT OF COUNSEL IN**  
: **PROCEEDINGS RELATED TO THE**  
: **RETROACTIVE APPLICATION OF**  
: **GUIDELINE AMENDMENT 782** :

**ORDER**

**WHEREAS** on April 10, 2014, the United States Sentencing Commission (“USSC”) voted to reduce by two levels the base offense levels associated with various drug quantities involved in trafficking offenses covered by Sentencing Guideline § 2D1.1 (“Amendment 782”);

**WHEREAS** on July 18, 2014, the USSC voted to amend Sentencing Guideline § 1B1.10 to extend Amendment 782’s reductions to defendants who are serving terms of imprisonment for drug-related crimes, but with a requirement that these reduced sentences cannot take effect before November 1, 2015;

**WHEREAS** absent action by Congress, the effective date of both amendments will be November 1, 2014;

**THEREFORE, IT IS ORDERED THAT**, pursuant to the Criminal Justice Act, 18 U.S.C. §§ 3006 (a) (1) and (c) and in accordance with the retroactive application of U.S.S.G. Amendment 782, the Office of the Federal Public Defender for the Middle District of Pennsylvania is appointed to represent all defendants in criminal cases in this district who may be eligible to seek a reduced sentence based upon the retroactive application of Amendment 782 to the United States Sentencing Guidelines.

Financial eligibility for appointment of counsel will be presumed if the defendant was previously determined to have been entitled to appointment of counsel or found indigent by this Court. Defendants who were previously represented by private counsel, or who were determined to have sufficient assets to reimburse the Criminal Justice Act appropriation shall provide this Court with a current Financial Affidavit to determine the appropriateness of any appointment under the Criminal Justice Act. In the event the Federal Public Defender is unable to represent a defendant in such proceedings, the Federal Public Defender shall designate an attorney in accordance with the Criminal Justice Act Plan of the United States District Court for the Middle District of Pennsylvania.

The purposes of this appointed representation are as follows:

1. To identify all persons with a claim for relief under the permanent guideline amendment, including persons who may have filed a pro se pleading for relief pursuant to Amendment 782.
2. To seek any sentencing relief for such persons pursuant to 18 U.S.C § 3582 (c) (2).
3. To prioritize those persons with a claim for relief that must be acted upon immediately.
4. To maintain communications with all such persons to learn their wishes and to advise them.
5. To identify any conflict of interest that would require the withdrawal of the Federal Public Defender and the appointment of new counsel.

Representatives from the United States Attorney's Office, the United States Probation Office, and the Federal Public Defender's Office shall confer to identify those petitioners who may be eligible for sentence reduction. In those cases where an agreement is reached as to a specific sentence or guideline range, defense counsel shall

file a Motion to Reduce Sentence, a proposed order outlining the sentence reduction and a best estimate of a new release date, and a certificate of concurrence stating they sought concurrence and the U.S. Attorney's Office so concurs. In cases in which there is a non-concurrence, defense counsel and the U.S. Attorney's Office shall comply with Local Rule 7 of this court on filing motions and briefs. The court will then take appropriate action.

To give effect to the purposes of this order, the United States District Court Clerk's Office and the United States Probation Office for the Middle District of Pennsylvania are hereby authorized and directed to cooperate with the Office of the Federal Public Defender in identifying the persons who may qualify for relief pursuant to Amendment 782. The Probation and Clerk's Offices may provide the Federal Public Defender's Office with relevant, confidential, and sealed information about the potentially eligible defendants. These materials include copies of Presentence Investigation Reports, modifications and addenda to such reports, Judgments, Statement of Reasons, Federal Rule of Criminal Procedure, Rule 35, and 5K1.1 motions and orders.

All cases relevant to the issues discussed in this Order shall be automatically stayed until November 1, 2014, unless otherwise ordered by this Court.

BY THE COURT,



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Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania

Dated: October 6, 2014