

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

**IN RE:** :  
 :  
 : **STANDING ORDER NO. 11- 2**  
**APPOINTMENT OF COUNSEL IN** :  
**PROCEEDINGS RELATED TO THE** :  
**ATTORNEY GENERAL'S** :  
**MEMORANDUM OF JULY 15, 2011** :

**ORDER**

**WHEREAS** on August 3, 2010, the President signed into law the Fair Sentencing Act of 2010, which reduced mandatory minimum sentences previously based on a 100-to-1 quantity ratio between crack and powder cocaine;

**WHEREAS** immediately following the enactment of the Fair Sentencing Act, the Department of Justice advised federal prosecutors that the new penalties would apply prospectively only to offense conduct occurring on or after the enactment date, August 3, 2010 and federal prosecutors advocated that position in the Middle District of Pennsylvania;

**WHEREAS** on July 15, 2011, the Attorney General of the United States directed all federal prosecutors to apply the Fair Sentencing Act's new mandatory minimum sentencing provisions to all sentencing proceedings that occurred on or after August 3, 2010, and noted that the change in position "will cause some disruption and added burden as courts revisit some sentences imposed on or after August 3, 2010";

**WHEREAS** it is estimated that some defendants sentenced by the Court may be eligible for reductions as a result of this change to the mandatory minimum crack cocaine sentences and this Court has determined that the interests of justice require that counsel be provided to such defendants;

**THEREFORE, IT IS ORDERED THAT**, effectively immediately, where it appears

that a defendant may be eligible for a sentence reduction consistent with the new crack cocaine drug quantities that trigger mandatory minimums and statutory maximums in the Fair Sentencing Act, the Federal Public Defender for the United States District Court for the Middle District of Pennsylvania is appointed as counsel for all financially eligible persons, consistent with 18 U.S.C. § 3006A and the Criminal Justice Act Plan of the United States District Court for the Middle District of Pennsylvania, in all proceedings held in this Court pursuant to 28 U.S.C. § 2255 arising from the above-described new mandatory minimum sentences in the Fair Sentencing 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. In the event that a defendant was represented by counsel who is presently a member of the Criminal Justice Act Panel and is available to serve as counsel, said counsel shall be appointed.

BY THE COURT



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YVETTE KANE, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

Dated: Aug 30 2011