

FILED BY

AGJ

MAR 18 2008

Thomas M. Gould, Clerk  
U. S. District Court  
W. D. OF TN, Memphis

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

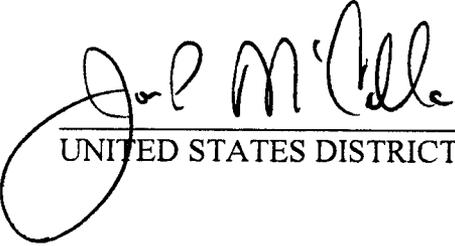
IN RE: PETITIONS FOR RETROACTIVE APPLICATION OF NOVEMBER 1, 2007,  
AMENDMENT TO CRACK COCAINE OFFENSE GUIDELINES

ADMINISTRATIVE ORDER NO. 2008-06

Pursuant to the provisions of the Criminal Justice Act, Title 18 U.S.C. § 36006A(a)(1) and (c), the Office of the Federal Public Defender for the Western District of Tennessee is hereby appointed to represent any defendant, unless that defendant is represented by retained counsel, to determine whether or not that defendant may qualify to seek reduction of sentence and to present any motions or application for reduction of sentence in accordance with the revised base offense levels for crack cocaine, Section 2D1.1. U.S.S.G. Should the Office of the Federal Public Defender determine that there is a conflict with regard to the representation of a particular defendant, the Magistrate Judge shall appoint a member of the Criminal Justice Act panel of this Court as counsel.

All motions and pleadings seeking a sentence reduction or in opposition to such reduction will be filed in the original criminal proceeding. In the event that the sentencing Judge in the original criminal proceeding is no longer a member of the Bench of this District, the case shall be reassigned on a random basis.

SO ORDERED this 18 day of March, 2008.

  
UNITED STATES DISTRICT COURT

**PROTOCOL FOR HANDLING SENTENCE REDUCTION REQUEST**  
**UNDER 18 U.S.C. § 3582(c)(2) (the “Retroactive Crack Cocaine Amendment”)**  
**FOR THE WESTERN DISTRICT OF TENNESSEE**

Cases Initiated by Counsel: When the Federal Defender makes an inquiry or privately retained/appointed counsel for the defendant files a notice of appearance regarding a case to which 18 U.S.C. § 3582(c)(2) (the “Amendment”) may apply, the Probation Office will furnish a copy of the Presentence Report with a brief letter indicating if upon review the defendant may be eligible for relief.

If the Federal Defender’s Office or attorney for the defendant files a motion, a supplemental addendum (containing the guidelines used at sentencing and any changes to the guidelines) will be delivered to the Court, the Office of the U.S. Attorney, and the Federal Defender’s Office or counsel within 10 days. If the defendant appears to be eligible for a reduction, institutional adjustment will be included. The Probation Office may provide the Court with a confidential sentencing recommendation.

The parties will have 10 days from receipt of the supplemental addendum within which to file a response. If the Court so elects, a hearing on this matter will be held.

Finally, the Court will issue an Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) (AO 247) to record the Court’s final decision.

Cases Initiated by Defendants: In cases where the defendant files a motion under the “Amendment” for sentencing reduction, the motion will be referred by the Pro Se Office to the Probation Office for review.

Cases that will be returned to the Pro Se Section for a response include:

- cases in which cocaine base was not a factor in the Offense Level Computation;
- cases in which the defendant has completed his/her sentence of imprisonment; or

— cases in which the defendant is requesting relief not anticipated under the “Amendment.”

The Probation Office will indicate by memorandum or Case Note entry the reason for return of the case to the Pro Se section.

For the remaining cases, the Probation Office will forward the motion to the Federal Defender’s Office and Office of the U.S. Attorney, along with a supplemental addendum (containing the guidelines used at sentencing and any changes to the guidelines). If the defendant appears to be eligible for a reduction, institutional adjustment will be included. The Probation Office will furnish the Presentence Report and Supplemental Addendum to the Court. The Probation Office may provide the Court with a confidential sentencing recommendation.

The parties will have 10 days from receipt of the supplemental addendum within which to file a response. If the Court so elects, a hearing on this matter will be held.

Finally, the Court will issue an Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) (AO 247) to record the Court’s final decision.