

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

JAMES L. ...
CLERK
2008 FEB 11 PM 2: 29

General Order No. 08-02

RE: Appointment of Southern District of Ohio Federal Public Defender
to Represent all Federal Inmates Originally Sentenced in this District
Who May be Eligible for Reduction in Their Sentences Pursuant to
United States Sentencing Guidelines §§ 1B1.10 and 2D1.1

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WEST BIRMINGHAM

On November 1, 2007, the United States Sentencing Guidelines were amended to reduce by two levels the guidelines in § 2D1.1 for cocaine base (also known as crack). Subsequently, the Sentencing Commission amended § 1B1.10 to make the crack amendment retroactive, effective March 3, 2008. This retroactivity produces the opportunity for federal inmates to file petitions under 18 U.S.C. § 3582(c)(2) seeking sentence reductions.

The Court has reviewed a preliminary listing of inmates who are potentially eligible for reduction of their sentences and concludes that further screening of these inmates for eligibility, as well as, initial determinations as to whether and to what extent an inmate's sentence should be reduced is appropriate.

By separate Order, the Court will establish Standard Procedures for Addressing Retroactive Application of the 2007 Crack Cocaine Guideline Reductions.

The Court in this Order appoints the Federal Public Defender to represent the interests of all federal inmates previously sentenced in this District who may be eligible for sentence reductions pursuant to the amended retroactive sentencing guidelines. The Federal Public Defender is authorized to consult with the United States Probation Office and the United States Attorney's Office with regard to all matters relating to inmates' eligibility for sentence reduction and, if eligible, the extent by which the sentence might be reduced without objections.

In the event of disputes regarding either eligibility or the extent by which a particular sentence should be reduced, the Federal Public Defender may elect to continue to represent the inmate's interest or advise the assigned judge that appointment of other counsel is warranted. The assigned judge shall determine in his or her discretion whether Criminal Justice Act counsel should be appointed to represent an inmate.

IT IS SO ORDERED.

Date: February 11, 2008

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court