

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

IN RE:)
)
PETITIONS FOR THE)
RETROACTIVE APPLICATION)
OF AMENDMENT 782 TO THE)
FEDERAL SENTENCING)
GUIDELINES)

G.O. NO. 14- 4

FILED

DEC 01 2014

**Phil Lombardi, Clerk
U.S. DISTRICT COURT**

ORDER

IT IS THE ORDER of the Court that the following procedure be used to review the sentences of currently incarcerated individuals identified by the United States Sentencing Commission as potentially eligible for a reduction in sentence, as well as others who may apply for a reduction in sentence, in accordance with 18 U.S.C. § 3582(c)(2) and the guidance provided in §1B1.10 of the United States Sentencing Commission’s Guidelines Manual (2014). This procedure applies to both pro se and sua sponte motions.

The United States Probation Office for the Northern District of Oklahoma is directed to advise the Court of the application of Amendment 782 regarding each defendant who may be eligible for a reduction of sentence. Further, the United States Probation Office shall identify those defendants who are eligible and/or ineligible for sentence reduction, after conferring with representatives from the United States Attorney’s Office and the Federal Public Defender. The Federal Public Defender shall be appointed in cases where a defendant is identified as eligible. In cases in which the defendant is determined to be eligible, but the government has an objection to the reduction, a Show Cause Order will be entered directing counsel for the government to show cause as to why the defendant’s sentence should not be reduced. The defendant’s counsel shall have the opportunity thereafter to respond to the government. In cases in which the defendant is identified as ineligible, but the Federal Public Defender disagrees, a Show Cause Order will be entered appointing the Federal Public Defender to represent the defendant and directing counsel for the defendant to show cause why the defendant’s sentence should be reduced. The government’s counsel shall have the opportunity thereafter to respond to the defendant. In all cases, whether a defendant is determined to be eligible or ineligible for a reduction of sentence under 18 U.S.C. § 3582(c)(2) and USSG §1B1.10, the United States Probation Office shall prepare an Order (AO Form 247) for the Court.

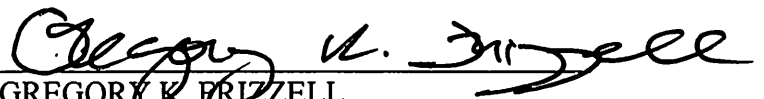
In the event that a conflict of interest prevents the Federal Public Defender from continuing representation of a defendant, a defendant desires to be represented by retained counsel, or a defendant wishes to proceed pro se, the Federal Public Defender shall file a motion to withdraw as counsel for the defendant. The Federal Public Defender will arrange for the appointment of CJA counsel if there is a conflict of interest.

The United States Probation Office is authorized to disclose previously prepared pre-sentence investigation reports to the United States Attorney's Office, Federal Public Defender, newly-appointed CJA counsel, or privately retained counsel. All filings shall be filed in the original criminal case. In the event the presiding judge in the original criminal case is no longer a judge in this District, the case shall be randomly reassigned by the Court Clerk.

The Court Clerk's Office is directed to send copies of this Order to the Federal Public Defender and the United States Attorney's Office and post this Order to the Court's website. In addition, the Court Clerk's Office is directed to send a copy of this Order to all pro se defendants seeking a reduced sentence pursuant to Amendment 782.

The effective date of all filed Orders granting sentence reduction shall be November 1, 2015, or later.

IT IS SO ORDERED this 1st day of December, 2014


GREGORY K. FRIZZELL
CHIEF UNITED STATES DISTRICT JUDGE