

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

10/06/2011

IN THE MATTER OF PROVIDING)
COUNSEL FOR PERSONS ELIGIBLE)
FOR RETROACTIVE APPLICATION OF) STANDING ORDER
THE PERMANENT GUIDELINE)
AMENDMENT IMPLEMENTING THE FAIR)
SENTENCING ACT OF 2010)

Pursuant to the Criminal Justice Act, 18 U.S.C. §§ 3006(a)(1) and (c), and finding that persons presently serving prison terms are financially eligible for appointed counsel under the provision of that Act, the Office of the Federal Public Defender for the Districts of South Dakota and North Dakota is hereby appointed to represent all defendants in criminal cases in this district who are considered to be eligible to seek a reduced sentence based upon retroactive application of the permanent guideline amendment if:

1. crack cocaine was involved in the offense;
2. USSG § 2D1.1 was the Chapter Two guideline that applied in the case; and
3. the base offense level was not level 43, as offenders sentenced at that level are unaffected by the amendment.

The purposes of this appointed representation are as follows:

1. To identify all persons with a claim for relief under the permanent guideline amendment, which became become effective on

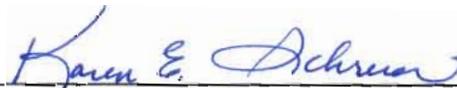
November 1, 2011, including persons who may have filed a pro se pleading for relief pursuant to the amendment.

2. To seek any available sentencing relief for such persons, including sentencing relief 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.

To give effect to the purposes of this order, the United States Probation Office for the District of South Dakota is hereby authorized and directed to cooperate with the Office of the Federal Public Defender in identifying the persons who meet the criteria of inclusion set forth above and in providing the Federal Public Defender with relevant information about the affected persons, including copies of their Presentence Investigation Reports and any defense or prosecution objections thereto.

Dated October 6, 2011.

BY THE COURT:



KAREN E. SCHREIER
CHIEF JUDGE