

**SO 1.85 IN RE: RETROACTIVE APPLICATION OF NOVEMBER 1, 2007
AMENDMENT TO CRACK COCAINE OFFENSE LEVEL GUIDELINES**

ADMINISTRATIVE ORDER

In order to effectively process the motions and pleadings filed in this court pursuant to the Retroactive Application of November 1, 2007 Amendment to Crack Cocaine Offense Level Guidelines, the court sets up the following procedures for these matters:

Pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. 3006A (a)(1) and (c), the Office of the Public Defender for the Western District of Louisiana is hereby appointed to represent any defendant who is presently eligible for release within the next 36 to 72 months (referred to as the "2nd Tier") to determine whether or not that defendant may qualify for a reduction of sentence, and to present any motions or pleadings relative to a reduction, in accordance with the revised base offense levels for crack cocaine, Section 2D1.1 of the United States Sentencing Guidelines. Should the Office of the Public Defender determine there is a conflict with regard to the representation of a particular defendant in "Tier 2" cases, a Criminal Justice Act Panel Attorney will be appointed as counsel.

Insofar as the previous Administrative Order signed on February 6, 2008, purports to appoint the Office of the Public Defender in these matters, such order is revoked and set aside for any case where the proposed release date is longer than 72 months (referred to as "Tier 3"). Appointments to represent defendants in "Tier 3" shall be handled on a case by case basis.

For the purposes of appointment of counsel in the matters described above, there will be a rebuttable presumption that the defendant is indigent without necessity of filing the affidavit of indigency.

In cases filed under the provisions set forth above, the following time guidelines shall

apply:

- Time to object to the Pre Sentence Investigation (PSI) - 30 days from the filing of the

PSI!

- Time for filing a response to the Proposed Order - 90 days from the issuance of the

Proposed Order.

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

Effective May 21, 2008.