

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA

**FILED**

JAN 30 2008

  
CLERK

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IN THE MATTER OF PROVIDING  
COUNSEL FOR PERSONS ELIGIBLE  
FOR RELIEF UNDER RETROACTIVE  
AMENDMENT TO SENTENCING  
GUIDELINES FOR COCAINE BASE

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STANDING ORDER

Pursuant to the Criminal Justice Act at 18 U.S.C. §§ 3006A(a)(1) and (c), and finding that persons presently serving prison terms are financially eligible for appointed counsel under the provisions 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: (a) were convicted of any federal offense involving cocaine base on or after November 1, 1987; and (b) are in the custody of the Bureau of Prisons or in the custody of a state correctional system subject to a federal hold based on their cocaine base conviction.

The purposes of this appointed representation are as follows:


1. To identify all persons with a claim for relief under the United States Sentencing Guidelines amendment affecting cocaine base which became effective November 1, 2007, and which was made retroactive by the Sentencing Commission on December 11, 2007, including persons who may have filed a pro se pleading for relief pursuant to this amendment.
2. To seek any available sentencing relief for such persons, including sentencing relief pursuant to 18 U.S.C. § 3582(c).

3. To prioritize those persons with a claim for relief which 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 which 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 two 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 January 30, 2008

BY THE COURT:

  
KAREN E. SCHREIER  
CHIEF JUDGE