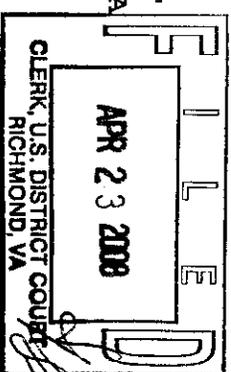


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



UNITED STATES OF AMERICA

v.

Criminal No. 3:01cr41

ARIC JAMES NOEL

ORDER

The defendant has requested that counsel be appointed in conjunction with the pursuit of relief under 18 U.S.C. § 3582(c) (2) and has submitted the appropriate financial affidavit. Accordingly, it is ORDERED that:

(1) The Clerk is directed to file the financial affidavit and to appoint the Federal Public Defender to represent the defendant on his request for relief under 18 U.S.C. § 3582(c) (2);

(2) Within ten (10) days of the date of entry hereof counsel for defendant shall file a motion for relief under 18 U.S.C. § 3582(c) (2);

(3) Within twenty (20) days of the date of entry hereof, the United States Probation Office shall prepare a Cocaine Base Amendment Application Worksheet applicable to the defendant and to provide same to the Court, the United States, and counsel for the defendant on his request for relief under Section 3582(c) (2). Within twenty (20) days of the date of entry hereof, the United States Probation Office shall provide the Court with a copy of the defendant's Presentence Report;

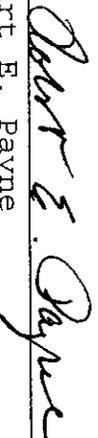
- (4) Within thirty (30) days of the date of entry hereof, counsel for the defendant shall file a Statement of Position respecting: (a) information in the Cocaine Base Amendment Application Worksheet; and (b) the requested relief under Section 3582(c) (2);
- (5) Within forty (40) days of the date of entry hereof, the United States shall file its Statement of Position in response, which shall include the following information:
- (a) Whether the United States concurs with the calculations and the eligibility determination set forth in the Cocaine Base Amendment Application Worksheet;
 - (b) Current projected release date of defendant;
 - (c) The impact, if any, of an accelerated release date upon the defendant's educational and vocational training;
 - (d) Status of currently pending or planned needed substance abuse treatment while incarcerated pursuant to the sentence at issue;
 - (e) Status of any ongoing physical or mental health treatment while incarcerated pursuant to the sentence at issue;
 - (f) The defendant's post-sentencing conduct, including the defendant's compliance with rules within the penal institution;
 - (g) Particular public safety considerations related to the defendant, if any; and
 - (h) Overall position regarding the defendant's eligibility for the requested relief, to include the reasons for such position.

The United States is not required to provide the information in paragraphs (c) through (g) if the Cocaine Base Amendment Application Worksheet indicates that the defendant is not eligible for relief on his Section 3582(c)(2) motion and it is the position of the United States that the defendant is not eligible for relief on his Section 3582(c)(2) motion.

(5) Within fifty (50) days of the date of entry hereof, counsel for the defendant may file a reply to the position of the United States.

The Clerk is directed to send a copy of this Order to the defendant, counsel for the defendant, to the United States Attorney, and the United States Probation Office.

It is so ORDERED.



Robert E. Payne

Senior United States District Judge

Richmond, Virginia
Date: April 21, 2008