

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ALL DIVISIONS

In Re: Petitions for Retroactive Application
of November 1, 2007 Amendment to
Crack Cocaine Offense Level Guidelines

ADMINISTRATIVE ORDER

Pursuant to the power vested in me as Chief Judge of this Court, I hereby direct the Clerk's Office to transfer all cases potentially affected by the retroactive application of the Crack Cocaine Guidelines to the Honorable Ortrie D. Smith, temporarily, for the limited purpose of processing claims of sentence reduction under the amended Crack Cocaine Offense Level Guidelines. Upon completion of that assigned task, the cases shall automatically revert to the original sentencing judge in each such case.

Pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C., §30.06(a)(1) and (c), the Office of the Federal Public Defender for the Western District of Missouri is hereby appointed to represent any defendant, previously determined to have been entitled to appointment of counsel, and any other defendant determined to be indigent, to determine whether that defendant may seek reduction of sentence and to present any motions or applications for reduction of sentence in accordance with the Revised Base Offense Level for Crack Cocaine, §2d1.1, U.S.S.G. Should the Office of the Federal Public Defender determine that there is a conflict of interest with regard to the representation of a particular defendant, Judge Ortrie D. Smith may appoint any Criminal Justice Act panel attorney within the District.

All motions and pleadings seeking sentence reduction or opposing any such reduction will be filed in the original criminal proceeding.

SO ORDERED.

/s/ Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
Chief Judge, U.S. District Court
Western District of Missouri

Dated: January 28, 2008