

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

IN RE: CRACK RETROACTIVITY CASES)
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SO-08-02
Chief Judge Curtis L. Collier

ORDER

The United States Sentencing Commission amended its sentencing guidelines by reducing the base offense level for crack cocaine offenses, effective November 1, 2007, and made the reduction retroactive, effective March 3, 2008. Because of the large number of defendants who may be affected by this retroactive amendment, the Court **APPOINTS** Federal Defender Services of Eastern Tennessee (“FDS”) to represent all defendants unless the defendant has retained counsel or the previously appointed CJA attorney wishes to represent the defendant.

FDS will identify defendants with a claim for relief under the amended guidelines and represent such defendants in filing motions for reduced sentences under the amendment. FDS shall identify any conflicts of interest and notify the Court so new counsel can be appointed. Any defendant who was not previously represented by FDS or a CJA attorney will need to complete an *in forma pauperis* application.

The United States Probation Office is **AUTHORIZED** to disclose relevant information to FDS, including the identities of defendants it has identified as being affected by the amendment and presentence investigation reports. The Probation Office, FDS, and the United States Attorney’s Office are encouraged to assist the Court in identifying those cases deserving of priority treatment, i.e., those cases where a defendant’s release date is near.

Motions in cases originally assigned to Judge Hull will be **ASSIGNED** to Judge Jordan.

Motions in cases originally assigned to Judge Jarvis will be **ASSIGNED** through the standard process for criminal cases in the Knoxville division.

SO ORDERED.

ENTER:

/s/ _____
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE