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NOVEMBER 8, 2023  
  
CLERK US DISTRICT COURT  
DISTRICT OF ARIZONA  
  
BY s/M. Everette DEPUTY

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

In the matter of:

APPOINTMENT OF THE FEDERAL  
PUBLIC DEFENDER FOR THE  
PURPOSE OF SCREENING REQUESTS  
FOR A SENTENCE REDUCTION  
BASED ON AMENDMENT 821 TO THE  
U.S. SENTENCING GUIDELINES

**GENERAL ORDER 23-20**

Pursuant to 18 U.S.C. § 3006A(c) and in the Court’s discretion, the Court now issues the following order to facilitate processing of potential sentencing reductions under 18 U.S.C. § 3582(c)(2) based on the retroactive application of Amendment 821 to the United States Sentencing Guidelines. Accordingly, IT IS HEREBY ORDERED:

1. In all matters where a defendant convicted in the District of Arizona may be eligible for or wishes to pursue any request for a sentence reduction based on Amendment 821 to the U.S. Sentencing Guidelines, the Office of the Federal Public Defender for the District of Arizona is hereby appointed for the purpose of consultation, screening, responding to defendant inquiries and, where appropriate, filing a motion or stipulation on behalf of that defendant unless a conflict of interest prevents the Federal Public Defender from doing so.
2. The Federal Public Defender’s Office will determine:
  - a. whether the defendant is potentially eligible for a sentence reduction under 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10 based on Amendment 821;
  - b. whether the United States Attorney for the District of Arizona will stipulate to the defendant’s eligibility for, and the extent of, any reduction based on

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Amendment 821;

- c. if the United States Attorney will not so stipulate, whether a motion for a sentence reduction should be filed in the defendant’s case; and
- d. whether a conflict of interest prevents the Federal Public Defender from representing the defendant in connection with a request for an Amendment 821 sentence reduction.

3. Where the Federal Public Defender and the United States Attorney stipulate to the defendant’s eligibility and the extent of the reduction based on Amendment 821, the United States Probation Office for the District of Arizona need not prepare an addendum unless requested by the assigned District Court Judge.
4. When the Federal Public Defender determines, upon review, that the defendant is potentially eligible for a sentence reduction based on Amendment 821, the Federal Public Defender is hereby appointed to represent that person, subject to the qualifications described below.
5. When the Federal Public Defender determines, upon review, that the defendant is potentially eligible for a sentence reduction based on Amendment 821, and that conflict of interest prevents representation under paragraph 3, the Federal Public Defender shall locate counsel to assist the defendant in seeking an Amendment 821 sentence reduction and file an appropriate motion in accordance with the CJA Plan for the District.
6. If a defendant files a pro se request for an Amendment 821 sentence reduction, the Clerk’s office will make reasonable efforts to provide the Federal Public Defender with legible copies of the pro se filings so that those filings can be screened by the Federal Public Defender.
7. In the case of pro se filings, the Federal Public Defender shall determine whether the defendant’s pro se request would benefit from supplementation by counsel and shall inform the Court whether the Federal Public Defender intends to supplement the pro se filing. Where the Federal Public Defender informs the Court that the

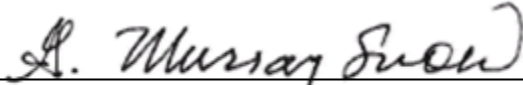
1 Federal Public Defender does not intend to supplement the pro se filing, the United  
2 States Attorney's Office will not be required to respond to the pro se filing unless  
3 ordered by the assigned District Court Judge.

4 8. The United States Probation Office for the District of Arizona is hereby authorized  
5 to disclose presentence investigation reports and statements of reasons for imposing  
6 sentence to the Federal Public Defender's Office so that it may assess the  
7 defendant's eligibility for the sentence reduction and determine whether there is a  
8 conflict of interest.

9 9. The United States Attorney's Office and the Federal Public Defender's Office will  
10 make their best efforts to use the reports they already have in their possession before  
11 requesting copies from the United States Probation Office.

12 10. Pursuant to 5 U.S.C. § 552a(b)(11), the United States Attorney is hereby authorized  
13 to collect records relevant to the determination of whether a defendant is eligible  
14 for, and the extent of, a sentence reduction based on Amendment 821, from the  
15 Bureau of Prisons and share them with the Federal Public Defender or with  
16 appointed CJA counsel for purposes of carrying out the screening function and  
17 representation described in this order. The Federal Public Defender and appointed  
18 CJA counsel shall take measures to keep these records confidential and shall limit  
19 the number of staff members who are permitted to view them.

20 Dated this 8<sup>th</sup> day of November, 2023.

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23 G. Murray Snow  
24 Chief United States District Judge  
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