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OCTOBER 3, 2016  
  
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 THE  
SENTENCE REDUCTION BASED ON  
AMENDMENTS 782 AND 788 TO THE  
U.S. SENTENCING GUIDELINES  
  
**SUPERSEDES GENERAL ORDER 15-13**

GENERAL ORDER 16-21

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 requests under 18 U.S.C. § 3582(c)(2) for a sentence reduction based on Amendments 782 and 788 to the U.S. Sentencing Guidelines. Accordingly, IT IS HEREBY ORDERED:

1. In all matters where a defendant convicted in the District of Arizona wishes to pursue any request for a sentence reduction based on Amendments 782 and 788 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 client files, 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 eligible for a sentence reduction under § 3582(c)(2) and U.S.S.G. § 1B1.10 based on Amendment 782;

- 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 Amendment 782;
  - c. if the United States Attorney will not so stipulate, whether a motion for the 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 the Amendment 782 sentence reduction.
3. When the Federal Public Defender determines, upon review, that the defendant is potentially eligible for a sentence reduction based on Amendment 782, the Federal Public Defender is hereby appointed to represent that person, subject to the qualifications described below.
4. When the Federal Public Defender determines, upon review, that the defendant is potentially eligible for a sentence reduction based on Amendment 782, and that a conflict of interest prevents representation under paragraph 3, the Federal Public Defender shall locate counsel to assist the defendant in seeking the Amendment 782 sentence reduction and file an appropriate motion in accordance with the CJA Plan for this District.
5. If the defendant files a pro se request for the Amendment 782 sentence reduction, and the Federal Public Defender determines that the defendant is ineligible for the sentence reduction, the Federal Public Defender is hereby directed to file a notice explaining why the defendant is ineligible and listing arguable grounds, if any, on which the defendant might be entitled to a sentence reduction based on Amendment 782. This directive applies regardless of whether the Federal Public Defender previously appeared in any prior proceeding in the case on behalf of any party.
6. The United States Probation Office for the District of Arizona is hereby authorized to disclose presentence investigation reports and statements of reasons for

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imposing sentence to the Federal Public Defender's Office so that it may assess the defendant's eligibility for the sentence reduction and determine whether there is a conflict of interest.

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

DATED this 3<sup>rd</sup> day of October, 2016.



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Raner C. Collins  
Chief United States District Judge