

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF NEW YORK

IN RE: APPLICATION OF RETROACTIVE 2023 CRIMINAL HISTORY  
AMENDMENTS TO THE SENTENCING GUIDELINES

STANDING APPOINTMENT ORDER

Under the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1) and (c), the Office of the Federal Public Defender for the Northern District of New York is hereby appointed to represent any defendant previously determined to have been entitled to appointment of counsel, or who is now indigent, to determine whether that defendant is eligible for a reduced sentence and to seek relief in accordance with 18 U.S.C. § 3582(c)(2) and the Sentencing Commission's recent retroactive application of Part A (Status Points under § 4A1.1) and Part B, Subpart 1, (Zero-Point Offenders under § 4C1.1) of Amendment 821 to the Sentencing Guidelines. Such appointment does not extend to cases of conflict, to defendants not eligible for appointed counsel under 18 U.S.C. § 3006A, or to cases where other counsel has already been appointed or retained. The appointment will terminate upon the District Court's ruling or the conclusion of the appellate process unless otherwise ordered by the Court.


The United States Probation Office for the Northern District of New York and the United States Clerk's Office for the Northern District of New York are authorized to disclose to the Office of the Federal Public Defender and the United States Attorney's Office for the Northern District of New York Presentence Investigation Reports, Judgments in a Criminal Case, including sealed Judgments, Statements of Reasons, Motions for Departure based on Substantial Assistance, and any other documents necessary for the Office of the Federal Public Defender and the United States Attorney's Office to determine whether particular defendants are eligible for a sentence reduction under the above-described retroactive amendments, to pursue any motions on

behalf of eligible defendants, and to determine whether a conflict exists that would preclude the Office of the Federal Public Defender from representing a defendant.

The Clerk of the Court for the Northern District of New York is directed to establish a procedure to notify the Office of the Federal Public Defender of possible pending *pro se* motions or inquiries to reduce a sentence under 18 U.S.C. § 3582(c) based on Parts A and B, Subpart 1, of Sentencing Guideline Amendment 821 and Policy Statement § 1B1.10. The Office of the Federal Public Defender will assume representation of the *pro se* litigant in a timely fashion.

IT IS SO ORDERED.

November 15, 2023

  
Brenda K. Sannes  
Chief U.S. District Judge