



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS


JAMES C. DUFF
Director

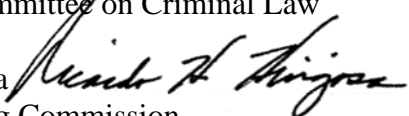
WASHINGTON, D.C. 20544

February 20, 2008

MEMORANDUM

To: Judges, United States Courts of Appeals
Judges, United States District Courts
United States Magistrate Judges
Circuit Executives
District Court Executives
Clerks, United States Courts of Appeals
Clerks, United States District Courts
Chief Probation Officers
Chief Pretrial Services Officers

From: Honorable Julie E. Carnes 
Chair, Judicial Conference Committee on Criminal Law

Honorable Ricardo H. Hinojosa 
Chair, United States Sentencing Commission

RE: ORDER FORM FOR USE IN SENTENCING MODIFICATIONS OF COCAINE BASE
("CRACK COCAINE") OFFENSES, PURSUANT TO 18 U.S.C. § 3582(C)(2)
(IMPORTANT INFORMATION)

By memorandum dated December 12, 2007, the United States Sentencing Commission informed you of its recent actions regarding the federal sentencing guidelines pertaining to cocaine base ("crack cocaine") offenses.

On May 1, 2007, the Commission submitted to Congress an amendment that lowers the guideline sentencing range for certain categories of offenses involving crack cocaine. This amendment became effective November 1, 2007, and applies to defendants sentenced on or after that date.

Pursuant to its statutory authority under 28 U.S.C. § 994(u), the Commission subsequently voted, on December 11, 2007, to add the crack cocaine amendment to the list of amendments in §1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline

Range) that may be applied retroactively. The Commission also amended §1B1.10 to clarify when, and to what extent, a reduction in a defendant's term of imprisonment would be consistent with §1B1.10 and therefore would be authorized under 18 U.S.C. § 3582(c)(2). **The effective date of these amendments to §1B1.10 is March 3, 2008.**

In recent weeks, both the Commission and the Criminal Law Committee of the Judicial Conference of the United States have received feedback from federal judges, probation officers, and others indicating that a short order form might be helpful to the courts in conjunction with the issuance of sentence reductions for crack cocaine offenders. As a result of this feedback, the Commission and the Criminal Law Committee have jointly developed the attached order form. While use of this form is not required, it may be helpful to your consideration of such requests. A fillable version of this form will soon be made available on the J-Net at:
http://jnet.ao.dcn/Forms/AO_National_Forms.html.

The form includes a line for entry of the effective date of the order, for use in cases in which the effective date is different from the date the order is signed. This is in response to a letter, dated February 13, 2008, from the United States Bureau of Prisons (BOP) to the Criminal Law Committee requesting that courts consider imposing a ten-day delay in the effective date of orders that would result in an offender's immediate release. The BOP's letter sets forth its reasons for this request and will be transmitted to you under separate cover.

It is also important that courts submit all sentencing documentation regarding sentence reductions based on retroactive application of the crack cocaine amendment to the Commission. Submission of this documentation is critical to the Commission's ability to collect, analyze, and report information on federal sentencing practices in this area.

Thank you for your attention to these important matters. We hope that the attached form will be helpful to you.

Attachment

UNITED STATES DISTRICT COURT

for the

_____ District of _____

United States of America)

v.)

) Case No: _____

) USM No: _____

Date of Previous Judgment: _____)

(Use Date of Last Amended Judgment if Applicable))

_____ Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____ Amended Offense Level: _____

Criminal History Category: _____ Criminal History Category: _____

Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): _____

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: _____

Judge's signature

Effective Date: _____
(if different from order date)

Printed name and title