

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

**IN RE MOTIONS FOR THE RETROACTIVE
APPLICATION OF AMENDMENT 821
TO THE SENTENCING GUIDELINES**

**DISTRICT COURT GENERAL
ORDER 2023-6**

In anticipation of the retroactive application of Amendment 821 to the United States Sentencing Guidelines, the Court directs that the following procedure be used:

Pursuant to the Criminal Justice Act, 18 U.S.C. §§ 3006A(a)(1) and (c), the Office of the Federal Public Defender for the District of Colorado (“Federal Public Defender”) is hereby appointed to represent any defendant convicted in this District, who was previously determined to have been entitled to appointment of counsel or who is now indigent, to determine whether the defendant is eligible for a reduction of sentence and to seek relief in accordance with 18 U.S.C. § 3582(c)(2) and the 2023 Criminal History Amendments to the Sentencing Guidelines, Part A (Status Points under § 4A1.1) and Part B (Zero-Point Offenders), made retroactive by Amendment 821.

Should the Federal Public Defender conclude that it cannot undertake the representation described in this Order, whether due to conflict or capacity, a member of the Criminal Justice Act Panel shall be appointed to represent the defendant.

The Clerk’s Office shall promptly notify the Federal Public Defender of all *pro se* motions, petitions, or requests seeking a sentence reduction which relate to Amendment 821. These *pro se* filings will be reviewed by the Federal Public Defender and timely addressed in the manner described above.

For purposes of determining eligibility and preparing sentence-reduction motions, the Court authorizes the United States Probation Office for the District of Colorado to disclose Presentence Investigation Reports, Judgments in a Criminal Case, and Statements of Reasons to

the Federal Public Defender, CJA counsel, or privately retained counsel. The Probation Office also is authorized to provide the Office of the Federal Public a complete list, generated by the Probation Office's data quality analyst from the PACTS database, of all known defendants who (1) were assigned zero total criminal history points, or (2) received criminal history points under U.S.S.G. § 4A1.1(d), and who are still incarcerated.

All motions for a sentence reduction shall be filed in the original criminal case. In the event that the presiding judge in the original proceeding is no longer serving as a judge in this District, the case shall be reassigned on a random basis under D.C.COLO.LCrR 50.1.

Dated at Denver, Colorado this 26th day of September, 2023.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Philip A. Brimmer', written over a horizontal line.

PHILIP A. BRIMMER
Chief United States District Judge