

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA**

In re: Administrative Orders of the Chief Judge

Case No. 3:21-mc-1-TJC

**ORDER REGARDING AMENDMENT 821 TO THE  
UNITED STATES SENTENCING GUIDELINES**

Effective November 1, 2023, Part A and Part B, subpart 1, of Amendment 821 of the United States Sentencing Guidelines retroactively revises certain criminal history point calculations under the Guidelines. Under the Criminal Justice Act, [18 U.S.C. § 3006A](#) (CJA), the Office of the Federal Defender is authorized and appointed to represent any defendant who was sentenced in the Middle District of Florida and is potentially eligible for a reduced sentence under [18 U.S.C. § 3582\(c\)\(2\)](#) and [U.S.S.G. § 1B1.10](#) because of Amendment 821. Such appointment does not extend to cases where other counsel has already been retained. The appointment will terminate upon the court's ruling or the conclusion of the appellate process, unless otherwise ordered by the court.

As soon as reasonably practical after determining a defendant may be eligible for relief because of Amendment 821, the U.S. Probation Office shall prepare and file a memorandum, with service to the Office of the Federal Defender and the U.S. Attorney's Office, addressing the defendant's eligibility. The memorandum must also include: (a) a proposed calculation of the new guideline range; (b) whether the court previously granted a substantial assistance motion under [U.S.S.G. § 5K1.1](#) or Rule 35(b) of the Federal Rules of

Criminal Procedure, and, if so, the percentage of any downward departure from the lowest point of the original guidelines range and a comparable departure from the lowest point of the new guideline range; (c) the defendant's place of incarceration; (d) the defendant's institutional adjustment; (e) the defendant's anticipated release date; and (f) any public safety concerns. If the Probation Office determines that a defendant is not eligible for relief under 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10 because of Amendment 821, then the Probation Office shall file a memorandum explaining the basis for that determination.

No later than **45 days** after the Probation Office files an Amendment 821 memorandum, the Federal Defender shall determine whether a conflict prevents that office from representing the defendant and, if so, inform the court and suggest substitution of counsel. If no conflict exists, the Federal Defender shall evaluate the defendant's eligibility for relief under Amendment 821.

If the Federal Defender determines that it will not pursue relief on the defendant's behalf, it shall file a notice advising the court (using the CM/ECF event "Notice – Amendment 821") and inform the defendant and take any appropriate steps to comply with the applicable rules of professional conduct.

If the Federal Defender determines that a defendant is eligible for relief, it shall notify the Probation Office and the U.S. Attorney's Office. After conferring with the U.S. Attorney, the Federal Defender shall file an unopposed motion for relief (using the CM/ECF event "Motion to Reduce Sentence – Amendment 821"),

if appropriate, or an opposed motion for relief that identifies the disputed issues. The U.S. Attorney shall have **21 days** from service of an opposed motion to file a response. In any case in which a defendant's eligibility for relief is disputed, the Federal Defender and the United States shall confer in a good faith effort to attempt to resolve any disagreements regarding the defendant's eligibility and suitability for relief and the extent of such relief under § 3582 and USSG § 1B1.10 based on Amendment 821.

Unless otherwise ordered, the procedures set forth in this order also apply to defendants who file pro se motions and defendants with retained or CJA counsel appointed because of a Federal Defender conflict.

**DONE AND ORDERED** in Jacksonville, Florida on October 31, 2023.



*Timothy J. Corrigan*

TIMOTHY J. CORRIGAN  
Chief United States District Judge