



DISTRICT OF MONTANA QUARTERLY NEWSLETTER



VOLUME 4, ISSUE 4, OCTOBER 2014

U.S. Sentencing Guidelines Amendment 782 ("Drugs Minus Two")

As of November 1, 2014, unless Congress takes contrary action, offenders sentenced for a drug crime may be eligible for a retroactive two-level decrease in the offense level that was calculated at the time of sentencing. *See* 18 U.S.C. § 3582(c)(2); U.S.S.G. Amendment 782. This reduction is comparable to the reductions made a few years ago in sentences imposed for crack cocaine, but it includes offenders whose sentences were based on any drug, including but not limited to crack. Hundreds of Montana offenders are likely to be affected.

If awarded, no reduction can take effect until November 1, 2015. Offenders due to be released before November 1, 2015, are not eligible for a sentence reduction.

If you were appointed as counsel under the Criminal Justice Act, your appointment is **not** automatically renewed for this purpose. But you may receive inquiries about the amendment from clients you represented in the past.

Further information about the amendment, including important details of offender eligibility, is available from the United States Sentencing Commission's website, <http://www.usc.gov>. Look for the phrase "Sentence Reductions for Drug Offenders." The Commission also has a "Legal Primer on Retroactivity" and a list of "Frequently Asked Questions." You may also contact the Federal Defenders of Montana for more information.

In the event you are retained to file a motion under 18 U.S.C. § 3582(c)(2) and Amendment 782, please use the following event in CM-ECF: ***Motion to Reduce Sentence – USSC Amendment***.

Fillable PDF Forms

When using a fillable PDF form, be sure to PRINT THE DOCUMENT TO PDF, rather than saving the file, before e-filing the document. This ensures that the document cannot be edited when downloaded.

Clerk of Court Divisional Offices

Billings: 247-7000 Great Falls: 727-1922 Butte: 497-1279 Helena: 441-1355 Missoula: 542-7260

District of Montana Website: www.mtd.uscourts.gov

Questions about filing electronically?

CM/ECF Electronic Learning Modules (ELMs) are available at: <http://www.mtd.uscourts.gov/efiling.html#training>

CM/ECF Helpdesk: 866-463-4052



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New Name for the Administrative Procedures Manual:

Guide for Filing in the District of Montana

The content remains the same, only the name has changed and the *Guide for Filing in the District of Montana* can still be found on the E-Filing Information page of our website:

www.mtd.uscourts.gov

ATTENTION: CJA Panel Attorneys

On September 2, 2014, Chief Judge Christensen approved a new [Criminal Justice Act Plan for the District of Montana](#). CJA attorneys are encouraged to review the new Plan, and Appendix B which addresses panel management, the mentoring program, and details regarding authorization of funds and payment to CJA panel members.

Redaction of Personal Identifiers: Documents & Exhibits

Reminder to all filers that Fed.R.Civ.P. 5.2 and Fed.R.Crim.P. 49.1 require the redaction of the following personal identifiers: social security or taxpayer identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses. This requirement applies to all documents, including attachments, filed with the Court.

In addition, all exhibits, including those offered at trial or other proceedings, are now filed in CM/ECF and available to remote public access on the internet. L.R. 4.1(b). For this reason, you should either redact personal identifiers from any exhibit you plan to offer during court proceedings or, if the exhibit must be admitted in unredacted form, you should move the court to have the exhibit sealed from public view. Absent judicial direction, exhibits will not be restricted from public internet access.

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