

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	
)	Criminal Docket no. 01-cr-25-P-S
)	
GARRY JULIEN,)	
)	
Defendant.)	
)	

**ORDER ON DEFENDANT’S UNOPPOSED MOTION
FOR ENLARGEMENT OF TIME**

Before the Court is Defendant’s Unopposed Motion for Enlargement of Time (Docket # 131). The Motion is hereby GRANTED as explained in this Order.

Based on the representations of Defense counsel, it appears that the Probation process required to complete any sentence reduction proceedings has moved forward as contemplated by the Court’s Scheduling Order (Docket # 126).

In addition to the preparation of the supplemental PSR, the Scheduling Order contemplates that there will be a fully briefed motion on the docket for the Court to act upon. Ultimately, the Court’s decision will rely on: (1) the factual information presented via the 1B1.10 Report and the objections filed with Probation, and (2) the factual and legal argument presented via the motion filings on the docket. The Court will also consider information presented at a hearing to the extent that a hearing is requested.

Unlike a Court-initiated case, this case was initiated by Defendant’s own *pro se* Motion, which was filed on December 10, 2007. The Court ordered the appointment of counsel on December 19, 2007. In order to allow appointed counsel time to review the case and the 1B1.10 Report, the Scheduling Order provided counsel 28 days in which to decide

whether to proceed on the basis of the *pro se* Motion or whether an amended motion was necessary. To date, the Court has not received any amended motion for a sentence reduction. Therefore, the Court hereby notifies all parties that it will proceed on the basis of the previously filed *pro se* Motion (Docket # 124), as supplemented by Defendant's *pro se* Supplemental Motion (Docket # 129).¹

As contemplated by the Scheduling Order, the Government shall have three weeks to file its response to the *pro se* Motion. The Government's response is due on or before February 15, 2008.

Defendant's reply is due on or before February 27, 2008. The reply shall include all of the information previously requested in the Scheduling Order.

To the extent that this schedule means that Defendant will not have to make his next filing on the docket until February 27, 2008, the Court believes that it has granted Defendant the relief requested in the pending Motion.

Defendant's Motion further indicates a potential desire to bifurcate the Court's consideration of the legal and factual issues. While Defendant is certainly free to make such a request by Motion, the Court is not presently inclined to consider bifurcation since it believes that the legal and factual issues are inextricably intertwined, just as they are in any sentencing proceeding.

SO ORDERED.

/s/ George Z. Singal
Chief U.S. District Judge

Dated this 24th day of January, 2008.

¹ The Court notes that in the two other similar cases appointed counsel indicated an intention to proceed on the basis of the *pro se* motions in accordance with similar Scheduling Orders. See Notice to Court (Docket # 120) in United States v. Anderson, Criminal Docket # 2:03-cr-87-GZS; January 14, 2008 Letter from Counsel (Docket # 480) in United States v. Le, Criminal Docket # 2:04-cr-136-GZS.

Defendant (3)

GARRY JULIEN

TERMINATED: 06/12/2002

also known as

G

also known as

GARRY JULIAN

also known as

LITTLE GARRY

represented by **DAVID R. BENEMAN**
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TERMINATED: 06/12/2002
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Designation: CJA Appointment

Pending Counts

21:841A=ND.F NARCOTICS -
SELL, DISTRIBUTE, OR
DISPENSE. Possession with intent
to distribute 50 or more grams of
cocaine base. 21:841(a)(1) and
(b)(1)(A)
(10)

Disposition

One Hundred Sixty Eight Months
Imprisonment followed by a Five
Year Term of Supervised Release.
\$100.00 Special Assessment.

Highest Offense Level (Opening)

Felony

Terminated Counts

21:841A=ND.F NARCOTICS -
SELL, DISTRIBUTE, OR
DISPENSE; Conspiracy to

Disposition

Count One as it applies to Defendant
Garry Julien dismissed upon oral
motion of Government

distribute with intent to distribute 50 or more grams of caocaine base.
21:841(a)(1),(b)(1)(A) and 846
(1)

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

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