

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 2:23-cr-9-TPB-KCD-1

DENIS CASSEUS

**NOTICE THAT THE FEDERAL DEFENDER'S OFFICE HAS
SATISFIED THE REQUIREMENTS IMPOSED BY THE AMENDMENT
821 OMNIBUS ORDER**

The Office of the Federal Defender, by and through undersigned counsel, hereby gives notice that it has satisfied the requirements set forth in this Court's *Omnibus Order In Re: Amendment 821, United States Sentencing Guidelines*, 3:21-mc-1-TJC ("Omnibus Order"), and respectfully notifies this Court that it will not be filing an Amended Sentence Reduction Motion under Amendment 821 for Defendant Denis Casseus.

1. The Omnibus Order authorizes the Office of the Federal Defender to represent defendants who were sentenced in the Middle District of Florida and are 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. Omnibus Order at 1.

2. Under Amendment 821, United States Probation files a Memorandum detailing the eligibility of such defendants to receive a sentence

reduction under Amendment 821. *Id.* Upon receipt of Amendment 821 Memorandum, the Federal Defender is required to inform the Court if a conflict prevents the Office from representing the defendant, and in the absence of a conflict, “evaluate the defendant’s eligibility for relief under Amendment.” *Id.* at 2. If the Office “determines that it will not pursue relief on the defendant’s behalf, it shall file a notice advising the court . . . and take any appropriate steps to comply with the applicable rules of professional conduct.” *Id.*

3. Undersigned counsel has received Probation’s Amendment 821 Memorandum concerning Defendant’s eligibility and has no conflict of interest that would prohibit this Office from representing Defendant.

4. However, based on the undersigned’s thorough and diligent review of the record, including Probation’s Amendment 821 Memorandum, Mr. Casseus’ original presentence investigation report, and the sentencing transcript, the undersigned cannot argue in good faith that Defendant is eligible for a sentence reduction under 18 U.S.C. § 3582(c)(2) and Amendment 821. While Mr. Casseus had zero criminal history points, the Court varied downward at sentencing to the low-end of Mr. Casseus’ amended guideline range.

5. Pursuant to Local Rule 2.02 (c)(1), the undersigned will file to terminate representation on May 30, 2024, after 14 days have elapsed since the undersigned conferred with Mr. Casseus about Probation's memorandum, and advised Defendant of undersigned counsel's professional opinion, this Notice of Satisfaction, and the right to proceed *pro se*.

6. Mr. Casseus' Motion to Reduce Sentence Based on Retroactive Application of Amendment 821 to the Sentencing Guidelines was already filed by Mr. Casseus' former attorney, Zelijka Bozanic. Mr. Casseus would like the Court to rule on that motion and will represent himself *pro se* if necessary.

Accordingly, the Office of the Federal Defender will not be filing a motion for sentence reduction under Amendment 821 for Defendant Denis Casseus.

Respectfully submitted,

A. Fitzgerald Hall, Esq.
Federal Public Defender
Middle District of Florida

/s/ Laura Anne Ferro
Laura Anne Ferro, Esq.
Research and Writing Attorney
2075 W. First Street, Suite 300
Fort Myers, Florida 33901
Telephone: (239) 334-0397
E-Mail: Laura_Ferro@fd.org