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GARY D. MCFARLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
HAMEDAH A. HASAN,)
)
Defendant.)

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MEMORANDUM
AND ORDER

EXHIBIT
17

After the government's successful appeal of my decision to reduce the defendant's sentence below that required by the Guidelines, the United States Supreme Court denied the defendant's petition for certiorari. See United States v. Hasan, 245 F.3d 682 (8th Cir.), (en banc) (the defendant's exemplary prison conduct could not support a downward departure below amended sentencing range upon resentencing), cert. denied, — S.Ct. —, 2001 WL 838408 (Oct 1, 2001) (No. 01-5142). I must now resentence the defendant as directed by the Court of Appeals.

Respectfully, I believe the sentence of 27 years that I am required to impose should be commuted by the President. Unless it is commuted, the sentence will be unjust.¹ Indeed, the Court of Appeals recognized that "Hasan's in-prison conduct subsequent to her initial sentencing has been commendable and extremely positive."

¹By so stating, I intend no criticism of anyone. The legal issue presented by Ms. Hasan's case was complex and difficult. In particular, I have no criticism of counsel for the government. Government's counsel acted both fairly and ethically throughout this case. Having said that, I strongly encourage the United States Attorney for the District of Nebraska to support or at least not oppose the commutation request.

Id. at 685. Given the fact that Hasan was a young, poorly educated, abused, pregnant, African-American mother of two with no criminal history at the time she engaged in the serious drug trafficking crime for which she was justly convicted, and recognizing that she has rehabilitated herself after years in prison, the President has just reason to be merciful.

Court appointed defense counsel have indicated that they intend to prosecute a commutation request or similar application. I have also requested Mr. William G. Dittrick of the Baird, Holm law firm to consider assisting Ms. Hasan's present counsel with such a request. He has agreed to do so. Ms. Hasan's present counsel are thankful for the help.

These lawyers all understand that a commutation request or similar assistance will not generate a fee. That is, counsel will assist Ms. Hasan pro bono and not pursuant to a court appointment. I thank counsel for their willingness to do so, and I compliment them for their adherence to the ideals of the legal profession.

These matters were discussed during a telephone conference with counsel for the government, counsel for the defendant, Mr. Dittrick and some of his partners. During that conference, the lawyers and I agreed on a resentencing date. Accordingly,

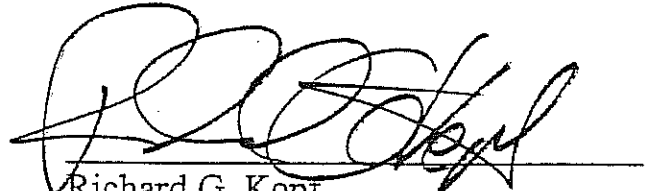
IT IS ORDERED that:

1. From now on, and in addition to mailings to counsel of record, the Clerk of the Court shall mail copies of all memoranda and orders regarding Ms. Hasan to William G. Dittrick, Baird, Holm Law Firm, 1500 Woodmen Tower, Omaha, NE 68102-2068. Counsel for the government shall also include Mr. Dittrick as an addressee in any correspondence or documents addressed to the Court regarding Ms. Hasan.

- January 8, 2002*
2. Ms Hasan shall be resented on ~~December 5, 2001~~, in Courtroom Number One, in Lincoln, Nebraska at the hour ~~1:00~~ P.M.
12:30
 3. The United States Marshal's Service shall procure Ms. Hasan for resentencing. Therefore, a copy of this order shall be provided to the United States Marshal's Service.

DATED this October 10, 2001.

BY THE COURT:


Richard G. Kopi
United States District Judge