

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09 C 4265
)	(06 CR 359-2)
CRAIG A. RAPPIN,)	
)	
Defendant.)	

MEMORANDUM ORDER

Like his codefendant David Grosky ("Grosky") in this multimillion dollar fraud prosecution, Craig Rappin ("Rappin") has just filed a pro se 28 U.S.C. §2254 ("Section 2254") motion, attacking as constitutionally inadequate the representation that he received from his retained counsel. That attack includes, among other things, a challenge to Rappin's waiver of the right to appeal that was an integral part of his comprehensive plea agreement (which included a favorable Fed. R. Crim. P. 11(c)(1)(C) agreement as to the Guidelines sentencing range).¹

This Court of course has a full recollection of the proceedings that led to the acceptance of Rappin's guilty plea, including his response to this Court's inquiry that confirmed his total satisfaction with his counsel's representation. But as this Court has just ruled in its July 14 memorandum opinion and

¹ During Rappin's sentencing the government in fact proceeded with a motion that made that favorable sentencing range available to Rappin. This Court--after considering all of the factors prescribed by 18 U.S.C. §3553--imposed a 94-month sentence that was at the bottom of that lowered range.

order in response to the Grosky Section 2255 motion, it will not use that assurance as a predicate for rejecting Rappin's motion out of hand.

Instead, as was the case with Grosky, this Court orders the United States Attorney's Office to file a response to Rappin's motion on or before September 14, 2009. And as was also true with Grosky, both sides are advised that Rappin's acknowledgment as to his view of his counsel's representation as of the time of his guilty plea will be given appropriate consideration in this Court's ruling on his Rule 2255 motion.



Milton I. Shadur
Senior United States District Judge

Date: July 20, 2009