

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

Craig Rappin ("Rappin"), one of three defendants in a massive financial fraud involving losses to public investors that the government demonstrated were in excess of \$20 million but less than \$50 million, has asked this Court to appoint pro bono counsel to assist him "in the presentation and amendment of his currently pending 28 U.S.C. §2255 Motion." Rappin is now serving a 94-month sentence, which was at the bottom of the far lower sentencing range provided for in the Fed. R. Crim. P. 11(c)(1)(C) agreement that constituted a vital part of his comprehensive plea agreement--if it had not been for the government's Sentencing Guideline §5K1.1 motion that was also an integral part of the plea agreement, the Guideline range for Rappin's charged offenses would have been 235 to 293 months.¹

¹ Because the plea agreement resulted in Rappin's pleading guilty only to Count One of the multicount indictment, the 20-year maximum for that count converted the Guideline range to 235 to 240 months--but if, as Rappin now contends, he would not have pleaded guilty but for constitutionally inadequate representation by his counsel, the risk of a guilty verdict after trial would have pushed the Guideline range upward to 324 to 405 months.

At this point this Court is awaiting a response to Rappin's Section 2255 motion on or before September 14, 2009--a response that this Court ordered in its brief July 20, 2009 memorandum order. Accordingly no action will be taken on Rappin's motion for appointment of counsel. But in light of the possibility that such a motion might be entertained, this Court is transmitting to Rappin the financial forms required for that purpose to Rappin together with a copy of this memorandum order.



Milton I. Shadur
Senior United States District Judge

Date: August 12, 2009