

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGELA GIDDLEY,

Defendant.

ORDER

01-CR-0069-C-02

Defendant Angela Giddley has written to the court to ask for a change in her sentence. She argues that because she was not in possession of the shotgun used in the bank robbery for which she was convicted in this court, she should have been found to have played a minor role in the crime. Unfortunately, it is too late for defendant to seek a change in her sentence. Once a judge imposes a sentence, that sentence cannot be altered unless the government moves for a reduction of sentence within a year of the sentencing or the court of appeals determines that the judge erred in determining the sentence and remands the case for re-sentencing.

Defendant never appealed her sentence and the government did not move within a year to reduce her sentence. Her time for filing a post-conviction motion for a modification

or reduction of her sentence expired in early 2004, one year after her December 2002 conviction became final. There is no mechanism left by which defendant can obtain any modification of her sentence.

Defendant has asked for appointment of counsel to help her, but a lawyer could not provide any assistance now that all of defendant's avenues for obtaining any kind of review of her sentence are time-barred.

ORDER

Construing defendant Angela Giddley's September 13, 2006 letter as a motion for modification of her sentence, I DENY the motion because defendant has no ground on which she can obtain the remedy she is seeking. In addition, I DENY her motion for appointment of counsel.

Entered this 21st day of September, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge