

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
 : STANDING ORDER NO. 13-6
 :
 APPOINTMENT OF COUNSEL IN :
 PROCEEDINGS WHERE JUVENILES :
 WERE SENTENCED TO :
 MANDATORY LIFE WITHOUT :
 PAROLE :

ORDER

WHEREAS, on June 25, 2012, the United States Supreme Court held in Miller v. Alabama, 132 S. Ct. 2455 (2012), that a sentencing scheme involving a mandatory life imprisonment for those under the age of eighteen at the time of their crimes violates the Eighth Amendment's prohibition on cruel and unusual punishments;

WHEREAS, many defendants sentenced by courts within this district may be eligible for resentencing in light of this decision; and

WHEREAS, there is a need to efficiently and equitably process petitions for writs of *habeas corpus* pursuant to 28 U.S.C. § 2254 and Miller;

THEREFORE, IT IS ORDERED THAT, effective immediately, where it appears that a defendant may be eligible for resentencing consistent with the Supreme Court's decision in Miller, the Federal Public Defender for the United States District Court for the Middle District of Pennsylvania is appointed as counsel for all financially eligible persons, consistent with 18 U.S.C. § 3006A and the Criminal Justice Act Plan of

the United States District Court for the Middle District of Pennsylvania, to evaluate whether the person may seek and receive resentencing and to present any motions and applications relating thereto.

IT IS ALSO ORDERED THAT, the Clerk's Office shall promptly notify the Federal Public Defender of all past, present or future *pro se* petitions for writs of *habeas corpus* involving the constitutionality of a mandatory sentence of life without parole for juvenile offenders so that the Federal Public Defender can assume representation in a timely fashion. If the Federal Public Defender is aware that any such petitions are already pending, it is to so advise the Clerk.

In the event that the Federal Public Defender is unable to represent a defendant in such proceedings, the Federal Public Defender shall designate an attorney in accordance with the Criminal Justice Act Plan of the United States District Court for the Middle District of Pennsylvania. In the event that the defendant was represented by counsel who is presently a member of the Criminal Justice Act Panel and is available to serve as counsel, said counsel shall be appointed.

BY THE COURT

s/Yvette Kane
Chief Judge Yvette Kane
United States District Court
Middle District of Pennsylvania

Dated: June 18, 2013