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

IN RE: : **STANDING ORDER NO. 19-1**
:
APPOINTMENT OF COUNSEL IN :
PROCEEDINGS RELATING TO : *1:19-MC-007*
THE APPLICATION OF SECTION 404 :
OF THE FIRST STEP ACT :

ORDER

WHEREAS on December 21, 2018, the First Step Act of 2018 became law.

WHEREAS Section 404 of the First Step Act applies to covered offenses defined in subsection (a) as “a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111-222; 124 Stat. 2372), that was committed before August 3, 2010.”

WHEREAS pursuant to Section 404(b) of the First Step Act, “[a] court that imposed a sentence for a covered offense may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced sentence as if sections 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111-222; 124 Stat. 2372) were in effect at the time the covered offense was committed.”

THEREFORE, pursuant to the Criminal Justice Act, Title 18 U.S.C. §§ 3006A(a)(1) and (c), and because of the need to efficiently process motions under

Section 404 of the First Step Act, it is ORDERED that the Office of the Federal Public Defender for the Middle District of Pennsylvania is appointed to represent all criminal defendants who were previously sentenced in the Middle District of Pennsylvania and who may be eligible to seek a reduced sentence based upon the application of Section 404 of the First Step Act.

Financial eligibility for appointment of counsel will be presumed if the defendant was previously determined to have been entitled to appointment of counsel or found indigent by this Court. Defendants who were previously represented by private counsel, or who were determined to have sufficient assets to reimburse the Criminal Justice Act appropriation shall provide this Court with a current Financial Affidavit to determine the appropriateness of an appointment under the Criminal Justice Act. In the event the Federal Public Defender is unable to represent a defendant in such proceedings, the 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.

The purposes of this appointed representation are as follows:

1. To identify all persons with a claim for relief under Section 404 of the First Step Act.
2. To seek any sentencing relief for such persons by filing a motion under Section 404 of the First Step Act.

3. To prioritize those persons with a claim for relief that must be acted upon immediately.

4. To maintain communications with all such persons, to learn their wishes, and to advise them.

5. To identify conflicts of interest that would require the withdrawal of the Federal Public Defender and the appointment of new counsel.

To give effect to the purposes of this order, the Clerk's Office for the Middle District of Pennsylvania and the Probation Office for the Middle District shall cooperate with the Office of the Federal Public Defender in identifying the persons who may qualify for relief pursuant to Section 404 of the First Step Act. The Probation and Clerk's Offices may provide the Federal Public Defender's Office with relevant, confidential, and sealed information about the potentially eligible defendants. These materials include copies of presentence investigation reports, modifications and addenda to such reports, judgments, statements of reasons, and motions and orders filed pursuant to Federal Rule of Criminal Procedure 35 and Section 5K1.1 of the Sentencing Guidelines, but shall not include confidential recommendations and justifications communicated to the presiding judge.

In addition, the Clerk's Office shall promptly notify the Federal Public Defender of all pending *pro se* motions and petitions seeking relief under the First Step Act.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Christopher C. Conner", written over a horizontal line.

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

Dated: January 10, 2019