

**FILED**

**JUN 0-2 2016**

**Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**STANDING ORDER**

In *Johnson v. United States*, 135 S. Ct. 2551, 2563 (2015), the Supreme Court held that the “residual clause” in the definition of a “violent felony” used in the Armed Career Criminal Act of 1984, 18 U.S.C. § 924(e)(2)(B), which clause states that “violent felony” includes any felony that “involves conduct that presents a serious potential risk of physical injury to another,” is unconstitutional under the void-for-vagueness doctrine. Subsequently, in *Welch v. United States*, 136 S. Ct. 1257, 1265 (2016), the Supreme Court concluded that *Johnson* announced a substantive rule that applied retroactively on collateral review.

Many defendants in criminal cases before this Court have been either convicted of crimes involving, or subject to sentence enhancements because of a prior conviction involving, the same or a similar definition of “violent felony” considered in *Johnson*. In some instances, the statute, sentencing guideline, or other definition applied in the case used the term “crime of violence.” In order to obtain post-conviction relief pursuant to 28 U.S.C. § 2255, these defendants must file a claim by June 26, 2016. See *Dodd v. United States*, 545 U.S. 353, 360 (2005).

Therefore, because time is of the essence, and after consultation with the Office of the United States Attorney for the District of Columbia and the Office of the Federal Public Defender for the District of Columbia, pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1) and (c), the Court hereby appoints the Office of the Federal Public Defender for the District of Columbia to represent any defendant previously determined to have been entitled to appointment of counsel, or who is now indigent, to determine whether that defendant may qualify to seek to vacate a conviction or to seek a reduction of sentence and to present any motions to vacate a conviction and/or for reduction of sentence in accordance with *Johnson* and *Welch*.

The United States Probation Office of the District of Columbia is authorized to disclose Presentence Investigation Reports, Judgments, and Statements of Reasons to the Office of the Federal Public Defender for the purpose of determining eligibility for relief, and for determining whether a conflict of interest precludes the Federal Public Defender from representing the defendant as a client. The same materials shall be provided to the Office of the United States Attorney for the District of Columbia.

The Office of the Federal Public Defender is permitted to file an abridged motion, pursuant to 28 U.S.C. § 2255, seeking such relief by June 26, 2016, and shall file a supplemental motion fully briefing the issues presented in any such abridged motion by October 26, 2016. After the supplemental motion is filed, the Court will issue a briefing schedule, if necessary, to control the timing of any further proceedings.

Should the Federal Public Defender determine that a prohibitive conflict exists such that a prospective client's interests are materially adverse to those of a current or former client with regard to representation of a particular defendant in litigation arising under this Order, the Federal Public Defender shall assist the Court in identifying a member of the Criminal Justice Act panel of this District to represent the defendant.

This Order does not relieve any defendant from the obligation to seek and obtain authorization from the United States Court of Appeals for the District of Columbia Circuit to file a second or successive motion pursuant to 28 U.S.C. § 2255. *See* 28 U.S.C. § 2244(b)(3).

This Order is effective immediately.

**SO ORDERED.**

Date: June 2, 2016



Digitally signed by Hon. Beryl A. Howell, Chief Judge  
DN: cn=Hon. Beryl A. Howell, Chief Judge, o=U.S. District Court for the District of Columbia, email=Howell\_Chambers@dc.uscourts.gov, c=US  
Date: 2016.06.02 11:13:28 -04'00'

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BERYL A. HOWELL  
Chief Judge