

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE: FIRST STEP ACT OF 2018 (Public Law No. 115-391),
RETROACTIVE APPLICATION OF FAIR SENTENCING ACT.

FILED
JAN 24 2019

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

STANDING ORDER

The First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, enacted on December 21, 2018, includes a provision that retroactively applies the reduced statutory penalties for cocaine base (“crack” cocaine) offenses under the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372 (“FSA”), to “covered offenses” committed before August 3, 2010. *See* First Step Act of 2018, § 404(a), (b) (2018). Defendants convicted of such “covered offenses” in criminal cases before this Court may be entitled to make a motion for a reduced sentence under the First Step Act of 2018.

After consultation with the Office of the United States Attorney for the District of Columbia (“USAO”) and the Office of the Federal Public Defender for the District of Columbia (“FPDO”), the Court hereby appoints, pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. § 3006A(a)(1) and (c), the FPDO to represent any defendant previously determined to have been entitled to appointment of counsel, or who was previously represented by retained counsel and is presently indigent, to determine whether that defendant may qualify to seek reduction of sentence and to present any motions or applications for reduction of sentence in accordance with Section 404 of the First Step Act of 2018. This order applies to defendants identified as potentially eligible for a sentence reduction, as well as those who file *pro se* motions with the Court.

The United States Probation Office of the District of Columbia is authorized to disclose Presentence Investigation Reports, Judgments, and Statement of Reasons to the FPDO for the

purpose of determining eligibility, and for determining whether a conflict of interest precludes the FPDO from representing the defendant as a client. The same materials shall be provided to the USAO.

Should the FPDO 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 client in litigation arising under this Order, the FPDO shall assist the Court in identifying a member of the Criminal Justice Act panel of this District to represent the defendant.

This Standing Order is effective immediately.

SO ORDERED.

Date: January 24, 2019



BERYL A. HOWELL
CHIEF JUDGE