

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

IN THE MATTER OF)
MOTIONS SEEKING RELIEF)
UNDER THE FIRST STEP ACT OF 2018)
(Dec. 21, 2018))

GENERAL ORDER

The First Step Act of 2018 granted retroactive application of the Fair Sentencing Act of 2010. 124 Stat. 2372. The Office of the Indiana Federal Community Defenders for the Southern District of Indiana is hereby appointed 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.

The Indiana Federal Community Defenders is also hereby appointed 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 be eligible for compassionate release from incarceration in accordance with Section 603 of the First Step Act of 2018. Should the Indiana Federal Community Defender be unable to represent a defendant bringing a motion under Section 603, substitute Criminal Justice Act counsel may seek leave to appear on defendant's behalf pursuant to 18 U.S.C. § 3006A(c) (representation may be furnished for financially eligible persons in "ancillary matters appropriate to the proceedings"). Any such appearance is voluntary on the part of counsel initially, but the attorney-

client relationship attaches upon appearance. Such appointment will not prevent counsel from later seeking to withdraw from the representation.

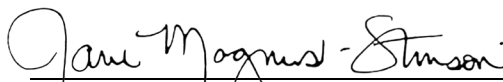
Upon counsel's appearance on behalf of a defendant seeking relief under the First Step Act, the United States Probation Office for the Southern District of Indiana and the United States District Court Clerk's Office for the Southern District of Indiana are authorized to disclose to counsel, without further order, case records including Presentence Investigation Reports, Judgments in a Criminal Case, Statements of Reasons, criminal history records, and any sealed documents for purposes of determining whether to file, or filing, a motion on behalf of any defendant. However, this Order does not apply to and does not authorize disclosure of the United States Probation Office's sentencing recommendation. In accordance with Federal Bureau of Prisons policy, counsel is prohibited from providing Presentence Investigation Reports or Statements of Reasons to inmates.

In accordance with this Order, the Clerk is directed to notify the Office of the Indiana Federal Community Defenders of any motions seeking relief under Section 404 of the First Step Act for retroactive application of the Fair Sentencing Act or Section 603 of the First Step Act for compassionate release.

SO ORDERED.

All of which is done at Indianapolis, Indiana, this 1st Day of July, 2019.

For the Court,


JANE MAGNUS-STINSON
Chief Judge
United States District Court