FILED

Apr 30 2020

United States District Court
Northern District of Ohio
General Order

GENERAL ORDER NO. 2020-07

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

IN RE:	)	
MOTIONS UNDER SECTION 603(b) OF THE FIRST STEP ACT FOR COMPASSIONATE RELEASE	)	ORDER NO. 2020-07

Pursuant to the Criminal Justice Act, 18 U.S.C. Sections 3006A(a)(1) and (c), the Office of the Federal Public Defender is hereby appointed to represent any defendant convicted in this District, who was previously determined to have been entitled to appointment of counsel, or who is now indigent, to decide whether the defendant is eligible to petition the Court for compassionate release under Section 603(b) of the Frist Step Act of 2018, 18 U.S.C. Sections 3582(c) and (d), and, where appropriate, to file a motion for compassionate release.

In the event it is subsequently determined that private counsel or previously appointed CJA counsel should be appointed to represent a defendant, such counsel shall be appointed, and the Federal Public Defender shall withdraw.

Should the Federal Public Defender determine that there is a prohibitive conflict in which the prospective client's interests are materially adverse to those of a current or former client with regard to representation of a defendant in the litigation, the Office of the Federal Public Defender shall notify the Court and request appointment of a member of the Criminal Justice Act Panel.

The Court authorizes the disclosure to the Office of the Federal Public Defender for the Northern District of Ohio and to the Office of the United States Attorney for the Northern District of Ohio of all presentence investigation reports and sentencing orders,

including those portions of such orders not available through the Court's electronic filing system (statement of reasons), for those inmates who have been identified as being potentially eligible for compassionate release. The disclosure authorized by this Order shall be for the sole purpose of enabling both offices identified above to make a preliminary assessment as to an inmate's potential eligibility for compassionate release.

Each judicial officer shall promptly notify the Federal Public Defender of all pro se motions and/or letters seeking compassionate release. These pro se filings will be reviewed by the Federal Public Defender and timely addressed.

Within thirty (30) days of the filing of the pro se motion for compassionate release pursuant to Section 603(b) of the First Step Act of 2018, 18 U.S.C. Sections 3582(c) and (d), the Federal Public Defender's Office will file either a supplemental motion or a statement indicating it will not be filing anything on defendant's behalf.

In the event the Federal Public Defender's Office files a supplemental motion for compassionate release, the United States will have seven (7) days in which to file a response to the motion. If the Federal Public Defender's Office opts not to pursue a filing, the United States need not file a response unless ordered to do so by the Court.

Nothing in this order prevents a Judge from shortening the above time periods if doing so is in the interest of justice in any particular case.

In the event a judicial officer is considering granting a motion for compassionate release, the U.S. Pretrial Services and Probation Office is to be notified immediately as they are required to investigate a release plan.

IT IS SO ORDERED.

FOR THE COURT

Patricia A. Gaughan
Chief Judge