

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

IN RE:       FIRST STEP ACT –  
              FEDERAL PUBLIC  
              DEFENDER  
              APPOINTMENT

**GENERAL ORDER**

On December 21, 2018, the President of the United States signed into law the “First Step Act.” Section 404 of the First Step Act makes Sections 2 and 3 of the Fair Sentencing Act of 2010 retroactively applicable to offenses committed before August 3, 2010. According to the Act, for any such offense that had its statutory penalties modified by Section 2 or 3 of the Fair Sentencing Act, the court that sentenced the defendant may impose a reduced sentence as if Sections 2 and 3 of the Fair Sentencing Act were in effect at the time the offense was committed. A reduced sentence may be imposed on motion of the defendant, Director of the Bureau of Prisons, the Government, or the court. The Court has determined that the following procedures should be implemented in order to ensure the effective and timely administration of justice:

**IT IS ORDERED** that the “1stSA Committee” is hereby created. The Committee shall consist of the Chief Probation Officer for the Eastern District of Louisiana or her designee(s), the United States Attorney for the Eastern District of Louisiana or his designee(s), and the Federal Public Defender for the Eastern District of Louisiana or his designee(s). The U.S. Probation Office for the Eastern District of Louisiana and the U.S. District Court Clerk’s Office for the Eastern District of Louisiana are authorized to disclose

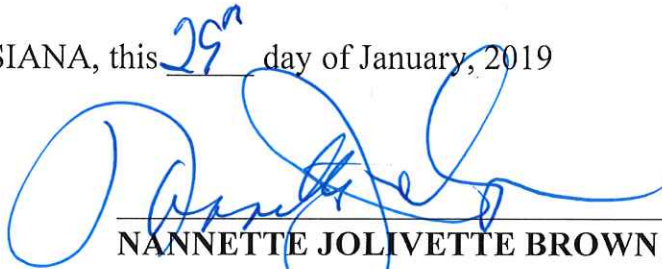
sentencing-related documents for any defendant requested by a Committee member for the purpose of determining whether the defendant may be eligible for a sentence reduction under the First Step Act, including Pre-Sentence Investigation Reports, Judgments, Statements of Reasons, Findings of Fact Related to Sentencing, and Verdict Forms. The Committee members may review these materials for the sole purpose of determining eligibility for a sentence reduction under the First Step Act. The Committee is directed to discuss each case and prepare a screening form for the court indicating the positions of the Government and Federal Public Defender, including whether there is any agreement among the parties regarding the defendant's eligibility for a reduction and the action to be requested from the sentencing court. In the event of disagreement, the Committee will state the date on which the Federal Public Defender will file a motion/memorandum seeking a sentence reduction on behalf of the defendant, as well as the date on which the Government will file any opposition.

The Court has requested from the United States Sentencing Commission ("USSC") a list of individuals sentenced in the Eastern District of Louisiana who the USSC identifies as potentially eligible for a reduction under Section 404 of the First Step Act. The Clerk of Court, or his designee, will provide such list to the Committee for review and is directed to notify the Committee of all *pro se* motions for sentence reductions that are filed pursuant to Section 404 of the First Step Act.

**IT IS FURTHER ORDERED** that the Federal Public Defender shall be permitted to file a motion for a reduction of sentence on behalf of any defendant who the Federal

Public Defender determines is eligible to receive a sentence reduction pursuant to the Section 404 of the First Step Act. The Federal Public Defender shall also be permitted to enroll and file a supplemental brief in support of any *pro se* motion that is filed by a defendant seeking a sentence reduction pursuant to Section 404 of the First Step Act, if the Federal Public Defender determines that the defendant is eligible to receive a reduction. In the event that the Federal Public Defender determines there is a conflict of interest in filing a motion or enrolling in a case, an attorney may be appointed through the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1) and (c).

NEW ORLEANS, LOUISIANA, this 29<sup>th</sup> day of January, 2019



**NANNETTE JOLIVETTE BROWN**  
**CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF LOUISIANA**