

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

IN RE: FIRST STEP ACT OF 2018)
(Dec. 21, 2018), APPLICATION) No. 19-mc-1001
OF FAIR SENTENCING ACT.)

ADMINISTRATIVE ORDER

On December 21, 2018, the President signed into law Senate Bill 756, the First Step Act of 2018. Section 404 of the First Step Act makes the amendments made to 21 U.S.C. § 841(b)(1)(A)(iii) and (B)(iii) by section 2 of the Fair Sentencing Act of 2010, retroactive to cases in which the defendant was sentenced for a cocaine base (crack) offense prior to August 3, 2010. For such offenses the district court may reduce a defendant's sentence as if the Fair Sentencing Act were in effect at the time the offense was committed.

To ensure the efficient adjudication of requests seeking a reduced sentence pursuant to § 404 of the First Step Act, the Court, *en banc*, orders the following:

1. The Federal Public Defender's Office for the Central District of Illinois ("FPD") shall be appointed to represent each defendant (petitioner) who files a petition or motion seeking relief pursuant to the First Step Act, by whatever nomenclature the litigant uses in the document. If a defendant (petitioner) writes the FPD requesting assistance in seeking relief pursuant to the First Step Act, the FPD shall forward the request to the Court which will file the letter as a petition or motion seeking relief pursuant to the First Step Act unless the Court has already opened a case for the defendant (petitioner).

2. Upon appointment, the United States Probation Office for the Central District of Illinois and the Clerk of Court for the United States District Court for the Central District of Illinois ("Clerk of Court") are authorized to disclose copies of judgments, presentence investigation reports, and statements of reasons to the FPD and AUSA for the purpose of determining eligibility for relief and determining whether a conflict of interest precludes the FPD from representing the petitioner. 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 Court shall be notified and the Clerk of Court is authorized to appoint a member of the Criminal Justice Act Panel of this District.

3. The Chief Judge has received from the United States Sentencing Commission, a list of the offenders the Sentencing Commission believes to be eligible under Section 404 of the First Step Act of 2018. This list has been giving to the AUSA, FPD and the United States Probation Office.

4. The United States Probation Office shall submit to the FPD and AUSA, a list of those inmates and defendants currently on supervised release who it determines may be eligible for a sentence reduction pursuant to the First Step Act, informing them of their potential eligibility.

5. All cases subject to this Order shall be assigned to the initial sentencing judge, and if not available, by reassignment through the Chief Judge.

6. The Clerk of Court is directed to send copies of the Order to the FPD and the United States Attorney's Office and post this Order to the District Court's website.

7. The Clerk of Court is further directed to enter Thomas Patton as attorney of record for the petitioner and Patrick Hansen as attorney of record for the United States in each case relevant to the issues discussed in this Order and send a copy of this Order to the petitioner seeking a reduced sentence pursuant to the First Step Act.

IT IS SO ORDERED

Dated: January 10, 2019

S/ James E. Shadid
JAMES E. SHADID, Chief Judge
Central District of Illinois