

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

FILED
U.S. DISTRICT COURT

2014 OCT -8 4:40

IN RE: RETROACTIVE APPLICATION
OF U.S.S.G. AMENDMENT 782

GENERAL ORDER
DISTRICT OF UTAH

14-005

BY:

DEPUTY CLERK

Pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. §§ 3006A(a)(1) and (c), and in accordance with the retroactive application of U.S.S.G. Amendment 782, the Office of the Federal Public Defender for the District of Utah is appointed to represent any defendant previously determined to have been entitled to appointment of counsel or found indigent by the Court (i) whose name appears on the lists of defendants potentially qualifying for a reduction of sentence supplied by the United States Sentencing Commission, Administrative Office of the United States Courts, United States Probation Office, Federal Public Defender's Office, or the United States Attorney for the District of Utah or (ii) who files a pro se motion for relief seeking a sentence reduction under the retroactive application of U.S.S.G. Amendment 782.

The Federal Public Defender's Office shall represent those defendants with respect to any possible motions for reduction of sentence pursuant to U.S.S.G. Amendment 782 and 18 U.S.C. § 3582(c)(2). The appointment is limited to those cases affected or potentially affected by this amendment and will terminate upon the district court's ruling or the conclusion of the appellate process, unless otherwise ordered by the Court. The Federal Public Defender's Office shall determine whether conflicts of interest preclude it from representation, and shall notify the Court upon identifying a prohibitive conflict, and the Court will consider appointing a member of the Criminal Justice Act panel of this district.

The Probation Office is authorized to disclose the defendants' Presentence Investigation Reports or Modified Presentence Investigation Reports, Judgments, and Statements of Reasons

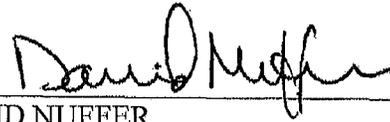
to the Federal Public Defender's Office or retained counsel and the United States Attorney's Office. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Reports, Modified Presentence Investigation Reports, or Statements of Reasons shall be provided to inmates.

The Office of the Clerk of the Court is authorized to disclose to the Federal Public Defender's Office or retained counsel and the United States Attorney's Office documents from the defendants' case files that are not otherwise available through the judiciary's Public Access to Court Electronic Records ("PACER") service to determine the defendants' eligibility, the extent for relief, and conflicts. Specifically, the Clerk's Office may disclose U.S.S.G. § 5K1.1 motions and orders, motions and orders related to Fed.R.Crim. 35, plea agreements, charging documents, notices of enhancements under 21 U.S.C. § 851, transcripts available pursuant to Judicial Conference policy, verdicts, orders related to U.S.S.G. Amendment 505, and motions under 28 U.S.C. § 2255. The Federal Public Defender's Office may not distribute such documents except to subsequently appointed counsel, unless otherwise ordered by the Court. Subsequently appointed or retained counsel may not further distribute such documents, unless otherwise ordered by the Court.

Representatives of the United States Attorney's Office, the Federal Defender's Office, the United States Probation Office, and the Office of the Clerk of Court will meet regularly to review pending motions for reduction of sentence and provide recommendation to the court. The Clerk of Court will ensure that the motions and pleadings seeking a sentence reduction, or in opposition to such reductions are filed in the original criminal proceeding. If the sentencing

judge is no longer available, the clerk shall reassign the case so that the motion will be addressed.

SO ORDERED. This 7th day of October 2014.

A handwritten signature in black ink, appearing to read "David Nuffer", written over a horizontal line.

DAVID NUFFER
Chief United States District Judge