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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

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

AMENDED GENERAL ORDER NO. 15 – 03 (AMENDED JUNE 13, 2016)

IN RE:

APPOINTMENT OF SOUTHERN DISTRICT OF OHIO FEDERAL
PUBLIC DEFENDER/CJA PANEL ATTORNEYS TO REPRESENT ALL FEDERAL INMATES
ORIGINALLY SENTENCED IN THIS DISTRICT WHO MAY BE
ELIGIBLE FOR REDUCTION IN THEIR SENTENCES PURSUANT TO
JOHNSON v. UNITED STATES, --- U.S. ---, 135 S.Ct 2551 (2015).

On June 26, 2015, the United States Supreme Court held unconstitutional the so called "residual clause" of the Armed Career Criminal Act. *Johnson v. United States*, --- U.S. ---, 135 S.Ct. 2551 (2015). Following this ruling, on May 13, 2016, the Sixth Circuit Court of Appeals held that the United States Sentencing Guidelines "residual clause" provision for Career Offenders (found in U.S.S.G. § 4B1.1 *et seq.*) is unconstitutionally vague based on the rationale in *Johnson. United States v. Pawlak*, --- F.3d ---, 2016 WL 2802723 (6th Cir. 2016).

The changes brought on by these cases may affect many defendants who will be or have been sentenced in this district previously. The Court has reviewed a preliminary listing of inmates who are potentially eligible for reduction of their sentences and concludes that further screening of these inmates (and other inmates who may be eligible) is appropriate.

The Court in this Order appoints the Federal Public Defender to review the list of potential defendants who may be eligible for relief. The Defenders may also create and review other lists as warranted, based upon potential eligibility of other Guidelines matters, 18 U.S.C. § 924(c) cases, etc. The Defenders office will first determine whether the office has a potential or actual conflict of representation. If no conflict exists, then the Federal Defender's office will, by this Order represent those defendants. If, on the other hand, a conflict exists, then Criminal Justice Act counsel shall be appointed using normal Court procedure to determine the eligibility of relief, and any other representation as may be necessary.

IT IS SO ORDERED.

DATE: 6-13-2016



EDMUND A. SARGUS, JR.
CHIEF JUDGE, UNITED STATES DISTRICT COURT