

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

FILED
RICHARD W. NAGEL
CLERK OF COURT
2020 SEP -8 PM 11:24
U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

In Re: :
: **FURTHER ORDER REGARDING** : **AMENDED GENERAL ORDER 20-21**
: **COURT OPERATIONS UNDER THE** :
: **ONGOING EXIGENT CIRCUMSTANCES** :
: **CREATED BY COVID-19** :
: **Appointment of Counsel for** :
: **Compassionate Release Motions** :

Pursuant to the Criminal Justice Act, 18 U.S.C. §§ 3006A(a)(1) and (c), the Office of the Federal Public Defender for the Southern District of Ohio (“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 First Step Act of 2018, 18 U.S.C. §§ 3582(c) and (d), and, where appropriate, to file a motion for compassionate release.

Should the Federal Public Defender conclude that it cannot undertake the representation described in this Order, whether due to conflict or capacity, a member of the Criminal Justice Act Panel shall be appointed to represent the defendant.

In the case of a defendant who was previously represented by a member of the Criminal Justice Act Panel (“CJA”), and where the CJA counsel expresses a willingness to represent the defendant in pursuing compassionate release, CJA counsel is hereby appointed under this Order to determine whether the defendant is eligible to petition the Court for compassionate release

under Section 603(b) of the First Step Act of 2018, 18 U.S.C. §§ 3582(c) and (d), and, where appropriate, to file a motion for compassionate release.

The Clerk's Office shall promptly notify the Federal Public Defender of all pro se motions seeking compassionate release. These pro se filings will be reviewed by the Federal Public Defender and timely addressed in the manner described above. Each pro se filing shall be held in abeyance for a period of 7 days to allow the Federal Public Defender (or CJA or retained counsel, as the case may be) to review the pro se filing. By no later than the end of that seven-day period, counsel for the defendant shall file a Notice of Intent (the "Notice") with the Court advising the Court and government counsel whether counsel for the defendant anticipates filing a supplement to the defendant's pro se filing. If the Notice indicates no supplement will be filed, and the government has yet to respond to the pro se filing, the government shall have 10 days from the filing of the Notice to respond to the pro se filing. If the Notice indicates no supplement will be filed, and the government has already responded to the defendant's pro se filing, the matter shall stand ripe for adjudication.

If the Notice indicates counsel for the defendant anticipates filing a supplement, the parties shall, before any supplement is filed and within 7 days of the filing of the Notice, confer with respect to the relief requested. If an agreement is reached between the parties on a proposed disposition of the defendant's pro se filing, the parties shall promptly so advise the Court. If no agreement is reached, counsel for the defendant shall have 14 days from the filing of the Notice in which to file a supplement to the defendant's pro se filing. The government shall have 14 days from the filing of the supplement to respond, at which time the matter shall stand ripe for adjudication. Individual judges may modify this schedule as they deem

appropriate. In the event the defendant refuses representation and desires to proceed pro se, the Federal Public Defender (or appointed CJA counsel) shall promptly provide the Court and government counsel a Notice of Intent not to supplement, and the government shall have 10 days after receipt of that Notice to respond to the pro se filing.

For purposes of determining eligibility and preparing compassionate release motions, the Court directs the United States Probation Office for the Southern District of Ohio to disclose Presentence Investigation Reports, Judgments in a Criminal Case, and Statements of Reasons to the Federal Public Defender, CJA counsel, or privately retained counsel.

All requests for compassionate release shall be filed in the original criminal case. In the event that the presiding judge in the original proceeding is no longer serving as a judge in this District, the case shall be reassigned on a random basis pursuant to the Rules of the Southern District of Ohio.

IT IS SO ORDERED.

DATED: September 8, 2020



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE