

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

IN RE: MOTIONS FOR REDUCTION OF  
SENTENCE PURSUANT TO SECTION 404  
OF THE FIRST STEP ACT OF 2018

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G.O. 19-1

**FILED**

FEB 05 2019

CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY AS DEPUTY

Section 404 of the First Step Act of 2018 authorizes the court to consider motions for sentence reduction in cases where the statutory penalties for the particular violations were modified by section 2 or 3 of the Fair Sentencing Act of 2010 and the covered offenses were committed before August 3, 2010. The court has been advised that a significant number of defendants previously sentenced in this district may be eligible for a modified sentence under Section 404. In order to facilitate the orderly and timely processing of motions for relief under this section, the Court adopts the following procedure:

1. The Court hereby appoints the Federal Public Defender for this District, or her designee, to represent each defendant who requests the appointment of counsel to assist in filing a motion pursuant to Section 404. Further, in the absence of a specific request for appointment of counsel, the presiding judge may make such appointment where appropriate.

2. The Federal Public Defender is authorized to contact those defendants who are preliminarily identified as being potentially eligible for relief under Section 404 and to advise them of the existence of this order.

3. In the event of a conflict between a particular defendant and the Federal Public Defender, the Federal Public Defender or her designee will advise the court of the conflict and provide the names of qualified counsel to assist the defendant. If appropriate, the

presiding judge will enter an order appointing counsel for the defendant pursuant to the Criminal Justice Act.

4. Any counsel appointed pursuant to this order, including the Federal Public Defender or her designee, shall file an entry of appearance in the affected case. In addition, the Criminal Chief of the United States Attorneys Office, or his designee, shall file an entry of appearance in any case seeking relief pursuant to Section 404.

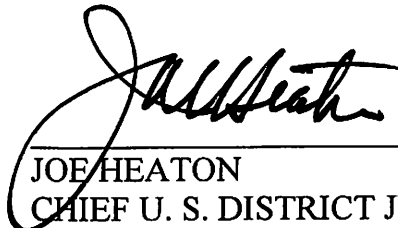
5. The Court Clerk's office will provide notice to the Federal Public Defender and the Criminal Chief or his designee of each motion filed seeking relief under Section 404.

6. The Court Clerk and the United States Probation Office for this District are authorized to disclose copies of presentence investigation reports, motions for downward departure, judgments, and statements of reasons to any attorney appointed pursuant to this Order.

7. To facilitate the orderly disposition of motions filed pursuant to Section 404, the 21-day response time provided by LCrR 47.1(b) shall not apply. Unless otherwise ordered by the presiding judge, the government shall have 60 days from the filing of any motion under Section 404 to respond to the motion.

Dated this 5<sup>th</sup> day of ~~January~~ <sup>Feb.</sup>, 2019.

FOR THE COURT:

  
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JOE HEATON  
CHIEF U. S. DISTRICT JUDGE