FILED

September 22, 2023

CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS

RV. KKN

DEPUTY

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

In re: Potential Sentence

Reductions Under 18 U.S.C. § 3582(c)

Due to Retroactive Criminal History

Guidelines Amendment

STANDING APPOINTMENT ORDER

Before the Court is the Sentencing Commission's retroactive application of Parts A and

B, Subpart 1, of Amendment 821. See U.S.S.G. App. C., amend. No. 825; U.S.S.G. §1B1.10,

p.s. (eff. Nov. 1, 2023). Part A of the amendment addresses guideline §4A1.1 status points,

decreasing them by one point for individuals with seven or more criminal history points and

eliminating status points for those with six or fewer criminal history points. Subpart 1 of Part B

creates a new §4Cl.l guideline that provides a decrease of two offense levels for "Zero-Point

Offenders" (no criminal history points) whose offense did not involve specified aggravating

factors.

In the interest of applying the retroactive amendment fairly, expeditiously, and without

undue expenditure of judicial resources, the Court has decided to appoint the Federal Public

Defender's Office to represent any defendant potentially eligible for a reduced sentence because

of this retroactive amendment. Such appointment does not extend to cases of conflict, to

defendants not eligible for appointed counsel under 18 U.S.C. § 3006A, or to cases where other

counsel has already been appointed or retained. The appointment will terminate upon the district

court's ruling or the conclusion of the appellate process, unless otherwise ordered by the Court.

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Accordingly, it is hereby ORDERED that the Federal Public Defender is appointed to represent any defendant potentially eligible for a reduction of sentence under 18 U.S.C. § 3582(c) based on the reduction authorized by Parts A and B, Subpart 1, of Guideline Amendment No. 821 and Policy Statement §1B1.10. This Order does not extend to a defendant (1) who has retained counsel or had other counsel appointed to pursue the reduction, (2) who is not financially eligible for appointment of counsel under 18 U.S.C. § 3006A, or (3) whose case presents a conflict preventing the Federal Public Defender from acting on the defendant's behalf.

The Probation Office is authorized to disclose the defendant's Presentence Investigation Reports, Judgments, and Statements of Reasons to the Federal Public Defender's Office and the U.S. Attorney's Office.

The Office of the Clerk of Court for the Western District of Texas ("Clerk's Office") is authorized to disclose to the Federal Public Defender's Office and the U.S. Attorney's Office, documents from the defendant's case file that are not otherwise available through the judiciary's Public Access to Court Electronic Records ("PACER") service to determine the defendant's 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 Rule 35 of the Federal Rules of Criminal Procedure, plea agreements, charging documents, notices of enhancement under 18 U.S.C. § 851, verdicts, and motions under 28 U.S.C. § 2255. The Federal Public Defender's Office may not disclose these materials except to subsequently appointed counsel, unless otherwise ordered by the Court.

SIGNED this 21st day of September, 2023.

FRED BIERY

U.S. District Judge

ORLANDO L. GARCIA

U.S. District Judge

XAVIER RODRIGUEZ

JASON PULLIAM U.S. District Judge

DAVID A. EZRA

U.S. District Judge

Senior U.S. District Judge