

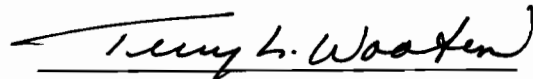
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

ORDER

In United States v. Hemingway, 734 F.3d 323 (4th Cir. 2013), the Fourth Circuit Court of Appeals held that a South Carolina common law ABHAN conviction is not a violent felony for federal sentencing purposes under the Armed Career Criminal Act (“ACCA”), 18 U.S.C. § 924(e). Because ABHAN was an enhancing factor in a number of cases in this District, defendants in those cases may require assistance of counsel to review their sentence for possible relief.

Therefore, the Federal Public Defender is authorized to contact those defendants impacted by Hemingway, and, when defendants give permission in writing to the Defender, that Office may proceed to seek relief limited to that issue only on behalf of the defendants. The United States Probation Office is directed to assist by providing presentence reports when requested.

IT IS SO ORDERED.


TERRY L. WOOTEN
Chief United States District Judge

January 30, 2014
Columbia, South Carolina