

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

IN RE: PETITIONS FOR APPLICATION OF RETROACTIVE 2023 CRIMINAL
HISTORY AMENDMENTS TO THE SENTENCING GUIDELINES

STANDING ORDER NO. 3:23-mc-802-RBH

Under the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1) & (c), the Office of the Federal Public Defender for the District of South Carolina is hereby appointed to represent any defendant, with his or her consent, to determine whether that defendant may qualify to seek reduction of sentence and to seek relief in accordance with 18 U.S.C. § 3582(c)(2) and the 2023 Criminal History Amendments to the Sentencing Guidelines, including Part A (Status Points under § 4A1.1) and Part B (Zero-Point Offenders), made retroactive by Amendment 821 to the United States Sentencing Guidelines.¹

The United States Probation Office for the District of South Carolina and the Clerk's Office for the District of South Carolina may disclose Presentence Investigation Reports, Judgments in a Criminal Case, including sealed Judgments, Statements of Reasons, Motions for Departure based on Substantial Assistance, Sentence Reduction Reports, and other documents necessary for the Federal Public Defender's Office to determine whether particular defendants are eligible for a sentence reduction under the retroactive amendments, and to determine whether a conflict exists that would preclude the Federal Public Defender from representing a defendant.

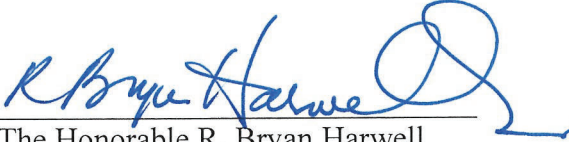
Should the Federal Public Defender determine that a prohibitive conflict exists

¹ The criminal history amendment does not become effective until November 1, 2023, because Congress can reject or modify the amendment until that date. Any reduction in the term of imprisonment based on retroactive application of Amendment 821 is not effective until February 1, 2024, or later. As a result, individuals cannot be released from custody pursuant to retroactive application of the amendment before February 1, 2024. (*See* Amendment 821 to USSG § 1B1.10, effective November 1, 2023). In short, on November 1, 2023, absent congressional action to the contrary, courts will be authorized to conduct sentence reduction proceedings and enter orders pursuant to 18 U.S.C. § 3582(c)(2) based on retroactive application of Amendment 821, provided that any order reducing a term of imprisonment has an effective date of February 1, 2024, or later.

in which the prospective client's interests are materially adverse to those of a current or former client, the Court shall be notified and the Court may appoint a member of the Criminal Justice Panel of this District to represent the affected defendant.

IT IS SO ORDERED

October 20, 2023



The Honorable R. Bryan Harwell
Chief U.S. District Judge