

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA

IN THE MATTER OF PROVIDING  
COUNSEL FOR PERSONS  
POTENTIALLY ELIGIBLE FOR  
RELIEF UNDER *UNITED STATES v.*  
*DAVIS*

STANDING ORDER

19-04

Pursuant to the Criminal Justice Act, 18 U.S.C. §§ 3006(a)(1) and (c), and finding that persons presently serving prison terms are financially eligible for appointed counsel under the provision of that Act, the Office of the Federal Public Defender for the Districts of South Dakota and North Dakota is hereby appointed to represent all defendants in criminal cases in this district who may be eligible to seek a reduced or modified sentence based upon the decision in *United States v. Davis*, 139 S. Ct. 2319 (2019) and subsequent Court decisions.

The purposes of this appointed representation are as follows:

- 1) To identify all persons with potential claims for relief under *United States v. Davis*, 139 S. Ct. 2319 (2019), including persons who may have filed a pro se pleading for relief.
- 2) To seek any available sentencing relief for such persons through appropriate pleadings.
- 3) To prioritize those persons with a claim for relief which must be acted upon immediately.
- 4) To maintain communications with all such persons to learn their wishes and to advise them.

- 5) To identify any conflict of interest which would require the withdrawal of the Federal Public Defender and the appointment of new counsel.

To give effect to the purposes of this order, the United States Probation Office for the District of South Dakota is hereby authorized and directed to cooperate with the Office of the Federal Public Defender in identifying the persons who meet the criteria of inclusion set forth above and in providing the Federal Public Defender with relevant information about the affected persons, including copies of the Presentence Investigation Reports, any defense or prosecution objections thereto, and the Court's Statement of Reasons.

Dated this 31<sup>st</sup> day of October, 2019.

BY THE COURT:

  
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JEFFREY L. VIKEN  
CHIEF JUDGE