

FIRST STEP ACT – CLAIM FOR RELIEF PROCEDURES

EASTERN DISTRICT OF WASHINGTON

For a sentenced defendant who contacts the Federal Defenders of Eastern Washington

- Federal Defenders are appointed in a limited capacity to screen the case for eligibility and conflicts of interest.
 - A financial affidavit is not required for this limited appointment, provided the sentenced defendant previously qualified for court-appointed counsel.
 - If the sentenced defendant was ineligible for court-appointed counsel during his or her case, then a financial affidavit is required.
- If, after screening the case, the Federal Defenders determines the sentenced defendant is potentially eligible for relief under 18 U.S.C. § 3582(c)(1)(A), and no conflict exists, then the Federal Defenders will make a Notice of Appearance and file any necessary motions. The Court's prior appointment of the Federal Defenders shall continue without the need for additional certifications or approval.
- If, after screening the case, the Federal Defenders determines the sentenced defendant is potentially eligible for relief under 18 U.S.C. § 3582(c)(1)(A), but a conflict exists, then the Federal Defenders will notify the appropriate magistrate judge, who will appoint conflict-free counsel to assist the sentenced defendant without the need for additional certifications or approval.
- If, after screening the case, the Federal Defenders determines the sentenced defendant may not be eligible for relief under 18 U.S.C. § 3582(c)(1)(A), or other reasons prevent the Federal Defenders from taking the case, then the Federal Defenders will notify the sentenced individual, as well as the sentencing court, advising the sentenced individual he or she may still pursue a pro se motion for relief under the First Step Act with the sentencing judge.

For a sentenced defendant who files a pro se motion

If a sentenced defendant files a pro se motion directly with the sentencing judge, then the briefing schedule will be automatically stayed, and the Federal Defenders will be contacted and advised of the pending motion.

- Federal Defenders are appointed in a limited capacity to screen the pro se case for eligibility and conflicts of interest.
 - A financial affidavit is not required for this limited appointment, provided the sentenced defendant previously qualified for court-appointed counsel.
 - If the sentenced defendant was ineligible for court-appointed counsel during his or her case, then a financial affidavit is required.
- If, after screening the case, the Federal Defenders determines the pro se sentenced defendant is potentially eligible for relief under 18 U.S.C. § 3582(c)(1)(A), and no conflict exists, then the Federal Defenders will make a Notice of Appearance on the matter and supplement the pro se motion as necessary. Once this happens, the stay will be lifted and the briefing schedule resumes. The Court's prior appointment of the Federal Defenders shall continue without the need for additional certifications or approval.
- If, after screening the case, the Federal Defenders determines the pro se sentenced defendant is potentially eligible for relief under 18 U.S.C. § 3582(c)(1)(A), but a conflict exists, then the Federal Defenders will notify the appropriate magistrate judge, who will appoint conflict-free counsel to assist the pro se sentenced defendant without the need for additional certifications or approval. The Federal Defenders shall provide any materials received from either the U.S. Probation Office or the BOP to conflict-free counsel.
- If, after screening the case, the Federal Defenders determines the pro se sentenced defendant may not be eligible for relief under 18 U.S.C. § 3582(c)(1)(A), or other reasons prevent the Federal Defenders from taking the case, then the Federal Defenders will notify the sentenced individual, as well as the sentencing court. Once this happens, the stay will be lifted and the briefing schedule resumes.