

FILED

SEP 24 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

In Re: Petitions to Vacate, Set Aside,)
Or Correct Sentences (and Related)
Motions) Based on United States) No. 176
Supreme Court's 2015 Decision in)
Johnson v. United States.)

ADMINISTRATIVE ORDER

Reagan, Chief Judge:

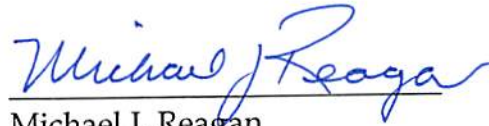
Under the Armed Career Criminal Act, a felon who unlawfully possesses a firearm in violation of 18 U.S.C. § 922(g)(1) is subject to steeply enhanced penalties if he has three prior convictions for a violent felony or serious drug offense. The ACCA's definition of violent felony contained subsections referred to as the "elements clause," the "enumerated-crimes clause," and the "residual clause." A prior conviction can qualify as a violent felony under any of these clauses. On June 26, 2015, the Supreme Court declared the residual clause of the ACCA unconstitutionally vague and held that an increased sentence under the residual clause violates the right to due process. *Johnson v. United States*, -- U.S. --, 135 S. Ct. 2551 (2015). *Johnson* applies retroactively to cases on collateral review. *Price v. United States*, 795 F.3d 731, 734 (7th Cir. 2015).

In the wake of *Johnson*, defendants have begun filing motions to reduce their sentences - whether via motions in their closed criminal cases or, more appropriately, petitions to vacate/correct sentence under 28 U.S.C. § 2255. The Court anticipates voluminous filings and finds that counsel will be needed to assist defendants seeking relief under *Johnson*. Rule 8(c) of the **Rules Governing Section 2255 Proceedings** mandates that counsel be appointed for a § 2255 petitioner if an evidentiary hearing will be held (assuming the petitioner financially qualifies for appointed counsel). 18 U.S.C. § 3006A(a)(2) provides that whenever the court "determines that the interests of justice so require," representation may be provided for any financially eligible defendant seeking relief under 28 U.S.C. § 2255. Additionally, the Federal Public Defender's Office for the Southern District of Illinois has expressed its willingness to enter an appearance on behalf of eligible defendants.

The Court hereby **ORDERS** that the Federal Public Defender's Office for the Southern District of Illinois shall be appointed to handle *Johnson*-based motions to vacate or correct sentence. The U.S. Probation Office for the Southern District of Illinois is **AUTHORIZED** to disclose defendants' Presentence Investigation Reports (PSRs) to counsel. Counsel shall not distribute the PSRs or related documents further unless specifically ordered by this Court.

IT IS SO ORDERED.

September 24th, 2015.



Michael J. Reagan

Chief Judge

United States District Court