

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

IN RE: MOTIONS FOR
COMPASSIONATE RELEASE DURING
THE COVID-19 PANDEMIC

**NOVEMBER 6, 2020 TEMPORARY GENERAL ORDER
REGARDING MOTIONS FOR COMPASSIONATE RELEASE
DURING THE COVID-19 PANDEMIC**

On December 21, 2018, the FIRST STEP Act was signed into law. The FIRST STEP Act amended 18 U.S.C. § 3582(c)(1)(A) to permit a defendant to request compassionate release from a federal court as permitted by law. Under the provisions of the Criminal Justice Act (“CJA”), 18 U.S.C. § 3006A, and in the interests of justice, the court issues this Order to ensure that motions for compassionate release are timely and efficiently addressed to fulfill the purposes of the FIRST STEP Act.

The Federal Public Defender’s Office for the District of Hawaii (“the FPD”) is hereby appointed to represent a defendant, and file a motion on behalf of that defendant, pursuant to section 3582(c)(1)(A). Should the FPD determine that it cannot undertake representation under this Order, whether due to a conflict of interest or capacity, a member of the District of Hawaii Criminal Justice Act Panel shall be appointed to represent the defendant.

Further, if a defendant files a pro se motion with the court pursuant to section 3582(c)(1)(A), the FPD will make efforts to contact that defendant to determine if the FPD or CJA counsel should represent that defendant, including the filing of any supplemental motion. The United States Attorney’s Office (“the USAO”) must also promptly notify the FPD of pro se filings seeking relief so the FPD can satisfy its obligations under this Order. Further, this order does not require the FPD or CJA counsel to represent any defendant seeking representation. Instead, the FPD and CJA counsel shall exercise sound discretion to determine

whether to represent any particular defendant in filing a section 3582(c)(1)(A) motion.

Any defendant not previously represented by the FPD or CJA counsel will need to complete a financial affidavit. Defense counsel may sign a financial affidavit on behalf of a defendant, after receiving that defendant's consent.

Upon request, the United States Probation Office is authorized to disclose a defendant's Presentence Investigation Report, any Bureau of Prisons Sentry Report, or any other relevant records to the FPD, CJA counsel, and the USAO for the purpose of determining eligibility for compassionate release.

This Order supersedes the court's April 21, 2020 Temporary General Order Regarding Motions for Compassionate Release During the COVID-19 Pandemic and will remain in effect until repealed by the court.

ORDERED ON BEHALF OF THE COURT:

DATED: Honolulu, Hawaii, November 6, 2020.



/s/ J. Michael Seabright
J. Michael Seabright
Chief United States District Judge

In Re: Motions for Compassionate Release During the COVID-19 Pandemic, November 6, 2020
Temporary General Order Regarding Motions for Compassionate Release During the COVID-19 Pandemic