

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



In re: Motions Related to Claims under)
United States v. Simmons, 649 F.3d 237(4th Cir. 2001))
for Defendants Whose Judgments Are Final)

ORDER OF APPOINTMENT

Pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. § 3006A(a)(1) and (c), the Office of Federal Public Defender for the Middle District of North Carolina is hereby appointed to represent any defendant previously determined to have been entitled to appointment of counsel, or who is now indigent, whose conviction is final and who has been identified by the Federal Public Defender's Office for the Middle District of North Carolina or the United States Probation Office for the Middle District of North Carolina as being potentially affected by the decision of the Court of Appeals for the Fourth Circuit in United States v. Simmons, 649 F.3d 237 (4th Cir. 2011). This appointment is for the limited purpose of providing general information to such defendants regarding the decision in Simmons and the options for pursuing Simmons-related relief.


Appointment of counsel in individual cases involving motions for post-conviction relief raising Simmons-related issues will be made by separate order in each case. If substitution of counsel is necessary in an individual case, the Federal Public Defender's Office will determine the defendant's previous representation and will coordinate with the Clerk's Office to submit a specific appointment of substitute counsel for the Court's approval.

The U.S. Probation Office for the Middle District of North Carolina is authorized to disclose Presentence Investigation Reports and Statements of Reasons to the Federal Public Defender's Office for any defendant (1) who has filed a motion in this Court seeking post-conviction relief based on the decision in Simmons; or (2) whose conviction is final and who has been identified by the Federal Public Defender's Office for the Middle District of North Carolina or the United States Probation Office for the Middle District of North Carolina as being potentially affected by the decision in Simmons. The Federal Public Defender's Office shall provide the Presentence Investigation Reports and Statements of Reasons to any subsequently-appointed or retained counsel. The U.S. Probation Office shall also provide copies of the Presentence Investigation Reports and Statements of Reasons in these cases to the Office of the U.S. Attorney for the Middle District of North Carolina. In addition, on request of either the Federal Public Defender's Office or the U. S. Attorney's Office, the Probation Office is authorized to disclose any state court criminal records in the possession of the Probation Office for any such defendant.

In accordance with the policy of the Federal Bureau of Prisons, Presentence Investigation Reports shall not be provided to Inmates.

IT IS SO ORDERED.

This, the 28 day of August, 2012.


Chief Judge
United States District Court
Middle District of North Carolina