

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: **FIRST STEP ACT -
1ST SA COMMITTEE**

ORDER

On December 21, 2018, the President of the United States signed into law the “First Step Act.” Section 404 of the First Step Act made sections 2 and 3 of the Fair Sentencing Act of 2010 applicable to defendants who were sentenced before August 3, 2010. According to the First Step Act, a sentencing court may reduce a sentence for such a defendant whose statutory penalties were modified by sections 2 and 3 of the Fair Sentencing Act of 2010 as if those sections were in effect at the time the offense was committed.

On January 29, 2019, the Chief Judge for the Eastern District of Louisiana formed the “1stSA Committee” to assist with identifying and screening defendants who may be eligible for relief under the First Step Act. The 1stSA Committee consists of representatives from United States Probation, the Office of the Federal Public Defender, and the United States Attorney’s Office. The 1stSA Committee was directed to discuss each case and prepare a screening form for the sentencing court indicating the position of the government and the Federal Public Defender and whether there was agreement between them regarding a defendant’s eligibility for a sentence reduction and any action to be requested from the sentencing court. Where there was disagreement, the screening form would state the date on which the government and the Federal Public Defender would submit briefing.

To assist in the process, the Chief Judge’s Order authorized United States Probation to disclose to the 1stSA Committee sentencing-related documents for the purposes of determining whether a defendant may be eligible for a sentencing reduction. The Order was silent as to

reports regarding a defendant's progress and conduct while incarcerated. Because these reports may be considered by a sentencing court in determining whether to reduce the sentence of a defendant who is potentially eligible for a sentence reduction under the First Step Act, because these documents may benefit the 1stSA Committee members in fulfilling their obligations under the Chief Judge's Order, and because these documents may allow the government and Federal Public Defender to more fully advise the sentencing court on their positions when there is disagreement between them,

IT IS ORDERED that United States Probation is authorized to disclose to the 1stSA Committee members documents or reports that it obtains reflecting the progress and conduct of a defendant, whose case is being considered by the 1stSA Committee, while the defendant has been incarcerated. Specifically excluded from this order are investigative reports regarding information learned from, or documents identifying, witnesses, sources of information, or investigative techniques.

IT IS FURTHER ORDERED that the members of the 1stSA Committee may use, reference, and otherwise rely on these documents only in connection with its duties and subsequent litigation as outlined in the Chief Judge's Order of January 29, 2019.

New Orleans, Louisiana, this 14th day of May, 2019.



**NANNETTE JOLIVETTE BROWN
CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**