

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

**STANDING PROCEDURAL ORDER RE:
APPOINTMENT OF COUNSEL AND
MOTIONS UNDER *REHAIF* v. *UNITED STATES***

**ADM 1
ORDER 19-6**

Pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. § 3006A(a)(1) and (c), and the discretion of the Court, the Office of the Federal Public Defender for the District of New Hampshire is hereby appointed to develop a list of defendants who may be eligible for relief under the Supreme Court's decision in *Rehaif v. United States*, 139 S.Ct. 2191 (2019).

The U.S. Probation Office for the District of New Hampshire is ordered to disclose, upon request, Presentence Reports to the Federal Public Defender's Office for the purpose of determining eligibility for relief.

If the FPD determines that a defendant has a colorable claim for relief, it shall take the following steps.

- 1) In the case of a defendant who previously was found to be indigent, the FPD is authorized to file a motion to appoint counsel if it determines that a colorable claim exists;
- 2) If the FPD identifies a defendant with a colorable claim for relief who was *not* previously found to be indigent, the FPD shall obtain a financial affidavit (USDCNH-15) from the defendant, and submit the completed form, along with a request to be appointed as counsel, to the Court.


Upon receipt of a request to be appointed in cases described in paragraph 1, the Clerk shall promptly appoint the FPD making the request. If the FPD has a conflict of interest that makes it unable to accept the appointment, it shall so state in the request and the Clerk shall

appoint a lawyer from the Criminal Justice Act Panel, following the usual appointment procedures.

A request made by the FPD on behalf of a defendant who was not previously found to be indigent shall be submitted to a judicial officer for review of the financial affidavit. If the defendant is found to be indigent, the FPD shall be appointed, unless a conflict of interest bars that appointment. If the FPD has a conflict of interest, a lawyer from the CJA panel shall be appointed, following usual procedures.

SO ORDERED.

Date: 11-14-19



Landya B. McCafferty
Chief Judge