

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00179-MR
(CRIMINAL CASE NO. 1:12-cr-00020-MR-5)**

KEITH ARTHUR VINSON,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court on the Petitioner’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [Doc. 1] and the Government’s Response to the Petitioner’s Motion [Doc. 5].

In his Motion to Vacate, the Petitioner asserts two claims of ineffective assistance of counsel. First, he claims that counsel’s representation of the Petitioner at trial was deficient in that counsel failed to present an adequate defense. [Doc. 1-1 at 16-19]. Second, he claims that counsel improperly advised him about the sentence he could receive if convicted at trial and

about the possibility that the Petitioner would be convicted at trial. [Id. at 20-21].

Upon review of the Petitioner's Motion to Vacate and the Government's Response thereto, the Court concludes that an evidentiary hearing is warranted on the following issues: (1) whether counsel improperly advised the Petitioner about the sentence he could receive if convicted at trial; (2) whether counsel improperly advised the Petitioner about the possibility that he would be convicted at trial; and (3) whether, if advised differently, the Petitioner would have accepted the Government's plea offer. See Rule 8(a), Rules Governing § 2255 Proceedings for the United States District Courts.

IT IS, THEREFORE, ORDERED as follows:

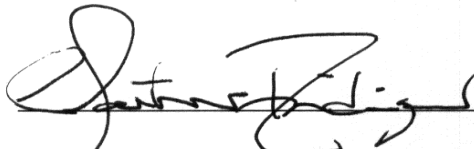
- (1) This matter is hereby scheduled for an evidentiary hearing on **May 1, 2019, at 9:00 a.m.** at the United States Courthouse in Asheville, North Carolina;
- (2) The Federal Public Defender for the Western District of North Carolina shall provide counsel to the Petitioner for the evidentiary hearing; and
- (5) The United States Marshal shall make arrangements to have the Petitioner transported from his place of incarceration to this District. The United States Marshal shall ensure that the

Petitioner arrives in this District sufficiently in advance of the hearing date so that he may be afforded adequate opportunity to confer with counsel in preparation for the hearing.

The Clerk of Court is directed to provide a copy of this Order to the Petitioner, the Federal Public Defender for the Western District of North Carolina, counsel for the Government, the United States Marshals Service, and the Bureau of Prisons.

IT IS SO ORDERED.

Signed: February 14, 2019


Martin Reidinger
United States District Judge

