

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



IN RE: Proceedings under the Fair Sentencing
Act of 2010 and Dorsey v. United States, 132
S.Ct. 2321

ORDER

WHEREAS, on June 21, 2012, the United States Supreme Court decided Dorsey v. United States, 132 S.Ct. 2321 (2012), which held that the penalties contained in the Fair Sentencing Act of 2010 apply to offenders who committed their crimes before the Act's August 3, 2010 enactment date but were sentenced after that date;

WHEREAS, the court has conducted an initial examination of defendants sentenced in this district and determined that a number of them may potentially benefit under the Dorsey decision;

WHEREAS, potentially eligible defendants are currently incarcerated with no significant source of income;

WHEREAS, the Federal Public Defender's Office for the Western District of New York will undertake the representation of many of these defendants, some of whom are not its former clients;

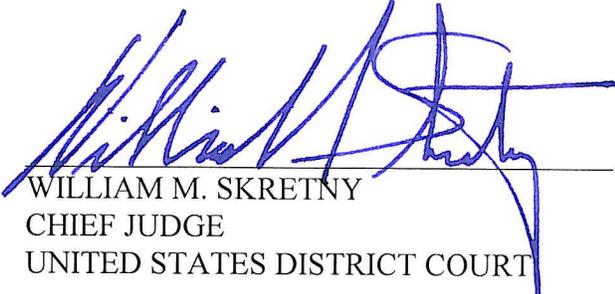
WHEREAS, the Federal Public Defender's Office and the United States Attorney's Office need access to each defendant's Presentence Report and Judgment of Conviction with Statement of Reasons, to determine whether any particular defendant will benefit under the Dorsey decision; it is therefore

ORDERED, that the United States Probation Office for the Western District of New York provide to the Federal Public Defender's Office and the United States Attorney's Office a copy of the Presentence Report and Judgment of Conviction with Statement of Reasons for any defendant identified by the court, Probation Department, Federal Defender's Office, or United States Attorney's Office as potentially benefitting under the Dorsey decision, and it is further

ORDERED, that the Federal Public Defender's Office accept assignment to represent the defendants in the absence of the filing of a Financial Affidavit for the purposes of determining eligibility and filing of any motion seeking relief under the Dorsey decision.

SO ORDERED.

Dated: August 9, 2012
Buffalo, NY


WILLIAM M. SKRETNY
CHIEF JUDGE
UNITED STATES DISTRICT COURT