

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
(Hartford)**

UNITED STATES OF AMERICA

V.

JEFFREY LORENZO, ET AL

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Case No. 3:01 CR 213 (AVC)

July 23, 2008

DEFENDANT'S NOTICE OF MANUAL FILING

Comes now the defendant, by and through his counsel, who gives notice that he is manually filing the following documents:

**1. DEFENDANT'S SECOND MOTION FOR RECONSIDERATION OF HIS
MOTION TO MODIFY A CRIMINAL JUDGMENT**

These document(s) has/have not been filed electronically because:

- ☒ **The defendant, by and through his counsel, is unable to transmit the same in PDF format.**
- ☐ The electronic file size of the document exceeds 1.5 megabytes
- ☐ The documents or thing is filed under seal pursuant to Local Rule of Civil Procedure 5(d) or Local Rule of Criminal Procedure 57(b).
- ☐ Plaintiff / Defendant is excused from filing this document or thing by court order.

The documents have been manually served on all parties.

RESPECTFULLY SUBMITTED,

JEFFREY LORENZO
THE DEFENDANT

BY:


ATTY. ERSKINE D. McINTOSH

FEDERAL BAR No.: CT 9743

THE LAW OFFICES OF ERSKINE D. McINTOSH, P.C.

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COUNSEL FOR THE DEFENSE

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
(Hartford)**

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| UNITED STATES OF AMERICA | : | Case No. 3:01 CR 213 (AVC) |
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**DEFENDANT'S SECOND MOTION
FOR RECONSIDERATION OF HIS MOTION TO MODIFY A CRIMINAL
JUDGMENT**

Comes now the defendant, by and through his counsel, entreating this Court to reconsider and set aside its May 12th, 2008 Order [446] denying the defendant's motion [445] and its June 26, 2008 Order [450] denying the relief requested in the defendant's May 29, 2008 motion to reconsider.

This relief is requested because it appears that this Court did not take into consideration the fact of the government's written support, to wit, [444] of the defense's motion for a sentence reduction as this Court never indicated in its written decision [446] that the government filed a brief in support of the defense's sentence reduction motion entitled: Government's Notice Regarding Defendant's Eligibility for a Sentence Reduction Pursuant to 18 U.S.C. § 3582 (c).

In the first paragraph of the first page of the Court's decision [446] this Court stated the defendant filed his pro se motion in support of the sentence reduction on March 31, 2008 and that the undersigned filed another motion for the reduction of the defendant's sentence on April 25, 2007. The Court then proceeded to evaluate the merits of the two motions. Hence, it is clear from the decision that the only party related information reviewed and evaluated by the Court and upon which this Court made its decision was that of the defense, as the Court made

no mention of the fact that it also had before it and evaluated the government's brief [444].

The instant motion was not filed until now, i.e. after the filing of the defendant's motions to perfect his appeal rights, because the undersigned did not know of the existence of the government's motion/memorandum in support of the reduction of the defendant's sentence pursuant to 18 U.S.C. §3582 (c) and the apparent fact that the government's position and rationale were not considered by this Court in rendering its decision until the undersigned received a copy of the government's notice/memorandum from Mr. Lorenzo on July 18, 2008.

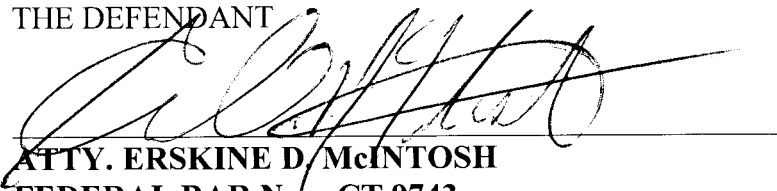
At the very least, the state of the existing trial record is incomplete for appellate purposes by dint of the existence of what the defense characterizes as a trial court omission by the Court apparently not having reviewed and evaluated the government's written position in support of this sentence reduction.

Given the position of Probation, the prosecution and the defense in this case; the defense again entreats this Court to reduce Mr. Lorenzo's sentence to **92 months**.

RESPECTFULLY SUBMITTED,

JEFFREY LORENZO
THE DEFENDANT

BY:



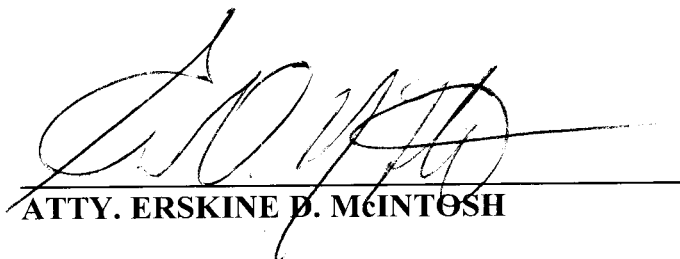
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COUNSEL FOR THE DEFENSE

CERTIFICATION

This is to certify that the foregoing motion was mailed on July 23, 2008 to the following:

Atty. Michael J. Gustafson
United States Attorney's Office
District of Connecticut
157 Church Street
New Haven, CT 06510



ATTY. ERSKINE D. MCINTOSH

17-1 MOTION-SECOND RECONSIDERATION OF DECISION RE: MODIFY A SENTENCE-LORENZO