

MANDATE

DIST OF CONN (N.Y.)

02-cr-5

ANTENON

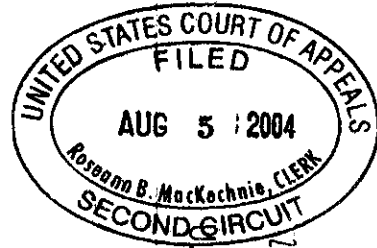
United States Court of Appeals

FOR THE
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 5th day of August, two thousand and four.

Before: Hon. Wilfred Feinberg,
Hon. José A. Cabranes,
Hon. Rosemary S. Pooler,
Circuit Judges

Docket Nos. 02-1740L, 02-1759CON



FILED
2005 MAY -5 P 2:04
S. DISTRICT COURT
NEW HAVEN, CT

UNITED STATES OF AMERICA,

Appellee,

- against -

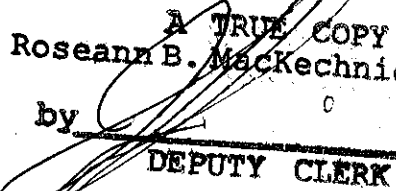
STEVEN CHEN and GONG CHAI SUN,

Defendants-Appellants.

Appeal from the United States District Court for the District of Connecticut.

This cause came on to be heard on the transcript of record from the United States District Court for the District of Connecticut and was argued by counsel.

On consideration whereof, it is hereby ORDERED, ADJUDGED and DECREED that the judgment of said district court be and it hereby is AFFIRMED in accordance with the opinion of this Court.

A TRUE COPY
Roseann B. MacKechnie, CLERK
by 
DEPUTY CLERK

FOR THE COURT:
ROSEANN B. MACKECHNIE, Clerk
by


Arthur M. Heller
Motions Staff Attorney

ISSUED AS MANDATE:

4-29-05

MANDATE

DIST. OF CONN (N.Y.)
02-CR-5
ARTERTON

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, at Foley Square, in the City of New York, on the ~~28~~ day of APRIL two thousand and five.

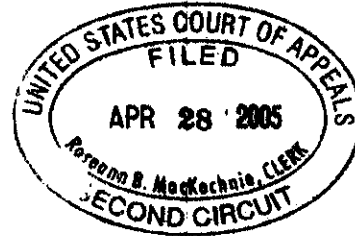
PRESENT:

WILFRED FEINBERG
JOSÉ A. CABRANES
ROSEMARY S. POOLER
Circuit Judges.

UNITED STATES OF AMERICA,
Appellee,

v.

STEVEN CHEN, GONG CHAI SUN,
Defendants-Appellants.



U.S. DISTRICT COURT
NORFOLK, CT
Nos. 02-1740, 02-1759
2005 MAY -5 P 2:04
FILED

ORDER

In light of the Supreme Court's decision in *United States v. Booker*, 125 S. Ct. 738 (2005), and this Court's decision in *United States v. Crosby*, 397 F.3d 103 (2d Cir. 2005), this case is remanded to the District Court for further proceedings in conformity with *Crosby*.

The disposition in the opinion or order previously issued in this appeal is hereby made part of this order and is fully effective, except to the extent that it is inconsistent with the present remand in conformity with *Crosby*.

Any appeal taken from the District Court's decision on remand can be initiated only by filing a new notice of appeal. *See* Fed. R. App. P. 3, 4(b).

A party will not waive or forfeit any appropriate argument on remand or on any appeal post-remand by not filing a petition for rehearing of this remand order.

A TRUE COPY
Roseann B. MacKechnie, CLERK
by _____
DEPUTY CLERK

FOR THE COURT,
Roseann B. MacKechnie, Clerk of Court

By Lucille Carr

CERTIFIED: 4-29-05