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GENERAL DOCKET FOR
Second Circuit Court of Appeals

Court of Appeals Docket #: 02-3080
Nsuit: 0
In re: USA v.
Appeal from: U.S. District Court SDNY

Filed: 10/9/02

Case type information:

- 1) Original Proceedings
- 2) mandamus
- 3) none

Lower court information:

District: 0208-01: 01-cr-1187
Trial Judge: Gerard E. Lynch
Date Filed: **/**/**
Date order/judgment: **/**/**
Date NOA filed: **/**/**

Fee status: waived

Prior cases:

None

Current cases:

None

Panel Assignment:

Panel: JLO CJS LAP 1705 :CA2 10/10/02 am
Date of decision: **/**/**

Proceedings include all events.
02-3080 In re: USA v.

In Re: UNITED STATES OF
AMERICA
Petitioner

UNITED STATES OF AMERICA
Plaintiff - Petitioner

Celeste L. Koeleveld, Esq.
212-637-1044
[COR LD NTC ret]
U.S. Attorney's Office
Southern District of New York
1 St. Andrews Plaza
Att: Brenda Lewis, Legal
Secretary
New York, NY 10007

v.

JORGE L. PABON-CRUZ
Defendant - Respondent

Jennifer Brown, Esq.
212-417-8722
[COR LD NTC ret]
Legal Aid Society
Federal Defender Division
52 Duane St.
New York, NY 10007

Proceedings include all events.
02-3080 In re: USA v.

Official Caption 1/

Docket No. [s] : 02-3080

In Re: UNITED STATES OF AMERICA,

Petitioner.

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE L. PABON-CRUZ,

Defendant.

Authorized Abbreviated Caption 2/

Docket No. [s] : 02-3080
In re: USA

1/ Fed. R. App. P. Rule 12 [a] and 32 [a].
2/ For use on correspondence and motions only.

Proceedings include all events.
02-3080 In re: USA v.

10/9/02 Case Docketed: Petition for Writ of Mandamus on behalf of
Petitioner USA filed, with proof of service. [02-3080] (ag41)

10/9/02 Petitioner USA motion for stay of proceedings FILED
(w/pfs). [2177799-1] (ag41)

10/9/02 Copy of Transcript of proceedings, dated October 7, 2002,
before Hon. Geard E. Lynch, U.S.D.J. RECEIVED. (ag41)

10/10/02 Order FILED GRANTING motion for stay [2177799-1] by
Petitioner, USA, endorsed on motion form dated 10/9/02. 'IT
IS HEREBY ORDERED that the motion for a stay is GRANTED
with oral argument to take place as soon as practicable.'
[For the Court: AMH, AA] [Before: RAK, AA] (ag41)

10/10/02 Notice to counsel regarding order granting motion for stay.
(ag41)

10/10/02 Set for argument on 10/10/02 at 2:00pm. [02-3080] (ca91)

10/10/02 Respondent Jorge L. Pabon-Cruz brief in opposition to writ
of mandamus petition filed (w/pfs). (ag41)

10/10/02 Case heard before OAKES, STRAUB, C.JJ; PRESKA, D.J (TAPE:
CD Date: 10/10/02) (ca97)

10/11/02 It is hereby Ordered that the petition for a writ of
mandamus is granted. Challenges to a proposed jury charge
may properly on a petition for a writ of mandamus. See
United States v. Coonan, 839 F.2d 886(2d Cir. 1988); United
States v. Wexler, 31 F. 3d 117 (3d Cir. 1994). The District
Judges's proposed jury instruction regarding the penalties
the defendant faces if convicted is a clear abuse of
discretion in light of binding authority. It is Further
Ordered that the stay of trial proceedings is hereby lifted.
Present JLO, CJS, CJJ, LAP, DJ, for the court by OMG, DC.
(ag42)

10/11/02 Certified copy of order dated 10/11/02 disposing of the
appeal issued to district court. (ag42)

10/11/02 Notice to counsel re: Order filed 10/11/02 granting writ of
madamus. (ag42)

10/15/02 Acco received in records room from team. (reg)