

**MEMORANDUM
TO THE HONORABLE ARTHUR D. SPATT
SENIOR UNITED STATES DISTRICT JUDGE**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

APR 02 2012



RE: HANEY, James
DKT. No.: 05-CR-924 (S-1)-01
Release of Presentence Report

The above-named individual was sentenced by Your Honor on June 18, 2007, to eight (8) months imprisonment, three (3) years supervised release with the special conditions of restitution in the amount of \$326, 343.81, comply with the forfeiture obligation, and a \$100 special assessment. That sentence stemmed from his conviction for two counts of Conspiracy to Commit Mail Fraud, in violation of 18 U.S.C. 1341 and 1349, a Class C felony. The offender completed the custodial portion of his sentence on June 27, 2008, at which time his term of supervised release commenced. The offender has satisfied the special conditions in full and successfully completed his term of supervised release on June 26, 2011. The offender currently resides with his spouse in Remsenburg, New York and is the owner of a construction company.

The purpose of this memorandum is to advise the Court that the offender has applied to the New York State Executive Clemency Bureau requesting that they grant him a certificate of Good Conduct. In an effort to assist in their investigation, they have formally requested a copy of the offender's presentence report. The probation office recommends that the report be released and we will seek assurance from the Clemency bureau that they will destroy the report once it is no longer needed.

We of course await Your Honor's final decision in this matter.

Respectfully submitted,

EILEEN KELLY

Chief U.S. Probation Officer

Prepared By: _____


Eric D. Harmon

Senior U.S. Probation Officer

