

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**UNITED STATES OF AMERICA**

**v.**

**DAVID LEON,**

**DEFENDANT**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**No. 2:09-CR-203-DBH**

**ORDER ON JOINT MOTION TO REDUCE SENTENCE**

I **GRANT** the joint motion to reduce sentence. I have authority under 28 U.S.C. § 2255 to do so in order to avoid a complete miscarriage of justice. Hill v. United States, 368 U.S. 424, 428 (1962). It is undisputed that improprieties at the Massachusetts drug testing laboratory affected both the defendant's criminal history and the calculation of drug quantity for his base offense level. Granting the motion will produce a sentence unaffected by the improprieties.

The sentence will be reduced 21 months to a reduced sentence of 69 months.

**SO ORDERED.**

**DATED THIS 4<sup>TH</sup> DAY OF JUNE, 2013**

/s/D. Brock Hornby  
\_\_\_\_\_  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CRIMINAL DOCKET No. 2:09CR203 (DBH)**

**United States of America**

Represented by Michael J. Conley  
Assistant United States Attorney  
Office of the United States Attorney  
District Of Maine  
100 Middle Street Plaza  
Portland, ME 04101  
(207) 780-3257  
email: [michael.conley@usdoj.gov](mailto:michael.conley@usdoj.gov)

v.

**David Leon,  
Defendant**

Represented By David Beneman  
Federal Defender's Office  
P.O. Box 595  
Portland, ME 04112  
207.553.7070  
email: [david.beneman@fd.org](mailto:david.beneman@fd.org)