

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

UNITED STATES OF AMERICA            )  
  )  
                  v.                            )     CR-03-6-B-W  
  )  
DONALD ANDREWS,                        )  
  )  
                  Defendant.                )

**ORDER VACATING SENTENCING ORDER**

On June 30, 2005, this Court issued a Presentence Order (Docket # 102) concluding that the Defendant's post-sentencing convictions should be considered at his re-sentencing. Following this Order, the Defendant brought *United States v. Ticchiarelli*, 171 F.3d 24 (1st Cir. 1999) to the attention of the Court. This Court concurs with the Defendant that *Ticchiarelli* controls and, therefore, vacates its June 30, 2005 Presentence Order. The Defendant's post-sentencing convictions will not be considered prior sentences under U.S.S.G. § 4A1.2.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
UNITED STATES DISTRICT JUDGE

Dated this 18th day of July, 2005

**Defendant**

**DONALD ANDREWS (1)**

represented by **STEPHEN C. SMITH**  
LAW OFFICE OF STEPHEN C.  
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*Designation: CJA Appointment*

**Plaintiff**

**USA**

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