

**UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF NEW YORK**



GENERAL ORDER #64

**Vacatur of Standard Condition of Supervision Pertaining to
Third Party Risk**

So Ordered: February 15, 2022

WHEREAS, prior to January 25, 2019, Condition #12 of the Standard Conditions of Probation and Supervised Release, as reflected in this Court's Judgment and Consent Form ("Old Standard Condition #12), read as follows:

If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk; and

WHEREAS, on January 25, 2019, in *United States v. Boles*, 914 F.3d 95, the United States Court of Appeals for the Second Circuit held that Old Standard Condition #12 impermissibly delegated too much authority to a probation officer; and

WHEREAS, it is the intention of the Court that all persons upon whom Old Standard Condition #12 was imposed should be relieved of that condition immediately and without the need for motion practice or other judicial proceedings;

WHEREAS, in light of *Boles*, this court has subsequently created New Standard Condition #12, which reads as follows:

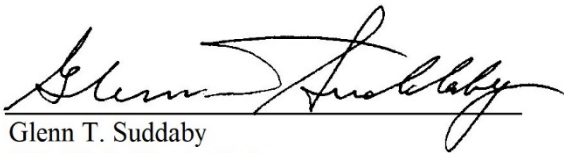
If the court determines in consultation with your probation officer that, based on your criminal record, personal history and characteristics, and the nature and circumstances of your offense, you pose a risk of committing further crimes against another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

WHEREAS, in the interest of the orderly administration of justice, it is hereby

ORDERED, that any and all judgments of conviction entered by this court pursuant to which Old Standard Condition #12 was imposed as a Standard Condition of Probation or Supervised Release are hereby modified by vacating and eliminating therefrom Old Standard Condition #12, and any defendant who was sentenced subject to said condition is immediately and permanently relieved from said condition; and it is further **ORDERED**, that any and all judgements of conviction entered by this court as to any defendant to which Old Standard Condition #12 was imposed as a Standard Condition of Probation or Supervised Release shall now be subject to and must comply with the New Standard Condition #12 adopted by this court.

By ballot vote, this General Order was approved by the Board of Judges and will become effective immediately.

So ORDERED this 15th day of February 2022
At Syracuse, New York



Glenn T. Suddaby
Chief U.S. District Judge