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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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**07-CR-40-S**

UNITED STATES OF AMERICA,

v.

**NOTICE OF MOTION**

ANDRE CANADA,

Defendant.

---

**MOTION BY:**

Kimberly A. Schechter, Assistant Federal Defender,  
Attorney for Defendant.

**DATE, TIME & PLACE:**

Before the Honorable William M. Skretny, United  
States District Judge, United States Courthouse, 68  
Court Street, Buffalo, New York, **on a date to be  
set by the Court.**

**SUPPORTING PAPERS:**

Affirmation of Kimberly A. Schechter, dated  
March 20, 2007.

**RELIEF REQUESTED:**

Reconsideration of detention order.

**DATED:**

Buffalo, New York, March 20, 2007.

/s/ Kimberly A. Schechter

Kimberly A. Schechter  
Assistant Federal Defender  
Office of the Federal Public Defender  
300 Pearl Street, Suite 450  
Buffalo, New York 14202  
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Counsel for Defendant Andre Canada

**TO:** Jorge S. deRosas  
Assistant United States Attorney

Joseph A. Killian  
United States Probation Officer Specialist

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**07-CR-40-S**

v.

**AFFIRMATION**

ANDRE CANADA,

Defendant.

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**KIMBERLY A. SCHECHTER**, affirms under penalty of perjury that:

1. I am an Assistant Federal Defender in the Western District of New York, and our office was assigned to represent the defendant, Andre Canada, on May 19, 2006. I make this affirmation in support of his motion for reconsideration of the detention order.

2. On February 20, 2007, Mr. Canada pled guilty to being a Felon In Possession of a Firearm before this Court. At that time, he had surrendered on this Court's warrant a couple days before. After the plea was accepted, the defense requested that Mr. Canada be released. There was an extended discussion on the record and the Court advised Mr. Canada that it would reconsider bail in about 30 days. It is requested that Court reconsider bail at this time.

3. Mr. Canada advises that since he has been held in the holding center on these charges, he reads the Bible and prays a lot. He does not get into any fights, and is “staying away from criminals,” as he explains it.

4. At the plea proceedings, there was a discussion about his involvement in the EOC (Educational Opportunities Center) program. I have been in contact with an individual at that program. He advises that last August, Mr. Canada came to them to obtain his G.E.D. He was tested at that time to determine his abilities. His test results are attached as **Exhibit A**. As can be seen, he was found to have third grade math comprehension and below first grade reading comprehension.

5. As such, it appears that Mr. Canada would have great difficulty obtaining his G.E.D. Nonetheless, at this time, he appears to be sincere about his commitment to not drinking anymore.

6. He also asks the Court to be aware that his girlfriend, Judy Barry, who was present in the courtroom last time, wants him to live with her once again. I have spoken directly to Ms. Barry who advises that this is correct and in fact, she has contacted me a few times since Mr. Canada entered his plea, asking that I expedite any request to have him returned to her home.

7. Given the circumstances of this case, it is respectfully requested that this Court consider releasing Mr. Canada.

**DATED:** Buffalo, New York, March 20, 2007.

Respectfully submitted,

/s/ Kimberly A. Schechter

Kimberly A. Schechter

Assistant Federal Defender

Office of the Federal Public Defender

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Counsel for Defendant Andre Canada

---

**To:** Jorge S. deRosas  
Assistant United States Attorney

Joseph A. Killian  
United States Probation Officer Specialist

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA,

**07-CR-40-S**

v.

ANDRE CANADA,

Defendant.

---

CERTIFICATE OF SERVICE

I hereby certify that on **March 20, 2007**, I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

1. Jorge S. deRosas  
Assistant United States Attorney  
Western District of New York  
138 Delaware Avenue, Federal Centre  
Buffalo, New York 14202

And, I hereby certify that I have e-mailed the document to the following non-CM/ECF participant(s).

1. Joseph A. Killian  
United States Probation Officer Specialist  
United States Probation Department  
404 U.S. Courthouse  
68 Court Street  
Buffalo, New York 14202

**/s/Joanne Sabatino**

Joanne Sabatino

Office of the Federal Public Defender

Buffalo Educational Opportunity Center

Testing [v] All [v]

Testing: [New](#) [Help](#)

Test Type ^	Test Name	Level	Form	Test Date	PrePost	Total Score	Grade Equivalent	Status	
Math	TABE Math	D	9	08/25/06	Pre-Test	0.00	3.40		X
Reading	TABE Reading	D	9	08/24/06	Pre-Test	0.00	0.70		X

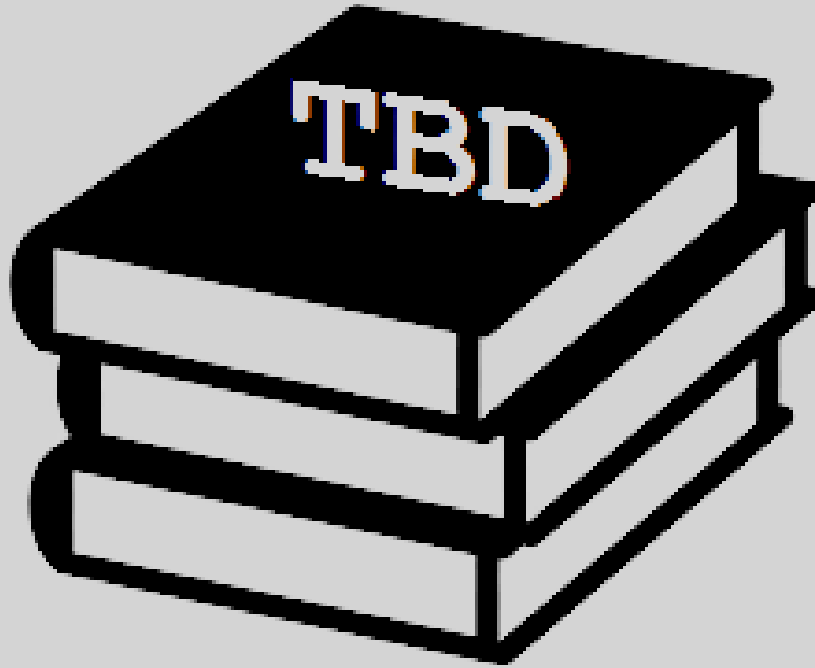
Andre Canada # EO1003747

DEFENDANT'S EXHIBIT A

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