

Case No. 4:11CV1370 CDP

Torrey Davidson’s motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 is before me on my review of the file. In Ground 3 of his motion, Davidson claims that he received ineffective assistance of counsel when his attorney failed to communicate his acceptance of a three-year plea agreement to the government. The government does not deny that a plea offer was made, but only claims it has no record of it. It appears that an evidentiary hearing will be necessary to resolve Davidson’s claims. See Missouri v. Frye, 132 S. Ct. 1399 (2012); Lafler v. Cooper, 132 S. Ct. 1376 (2012).

Accordingly,

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. § 3006A(a)(2),
Stephen R. Welby, the Welby Law Firm, 1221 Locust Street, Suite 407, St. Louis,
Missouri 63103, is appointed as counsel to represent petitioner Torrey Davidson

in these proceedings. The Clerk's Office shall provide counsel with a copy of any requested Court documents at no charge.

IT IS FURTHER ORDERED that there will be a **telephone status conference** with counsel to discuss scheduling issues on **Friday, September 7, 2012 at 1:30 p.m.** The Court will initiate the conference call with counsel.

Petitioner's appearance at the scheduling conference is not required.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 30th day of August, 2012.