

AO-10
Rev. 1/2004

FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2004

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (Last name, First name, Middle initial) Wesley, Richard C	2. Court or Organization US Court of Appeals, 2nd Cir.	3. Date of Report 3/23/2005
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) Active, U.S. Circuit Judge	5. Report Type (check appropriate type) ☐ Nomination ☐ Date ☐ Initial ☒ Annual ☐ Final	6. Reporting Period 1/1/2004 to 12/31/2004
7. Chambers or Office Address Livingston Co. Gov't Center 6 Court Street Genesee, New York 14454	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions)

☐ **NONE** - (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Director	Myers Foundation
2. Member	Cornell Law School Advisory Council
3.	See additional page regarding Trustee.

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions)

☐ **NONE** - (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. 2003	New York State Employees Retirement System: pension upon retirement at 55.

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III. NON-INVESTMENT INCOME (Reporting individual and spouse, see pp. 17-24 of filing instructions)**A. Filer's Non-Investment Income**☐ **NONE** - (No reportable non-investment income.)

	<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>GROSS INCOME</u> (yours, not spouse's)
1.	2004	New York State Employee's Retirement System	\$22,736.05
2.	2004	New York Court of Appeals (wage adjustment for 2003)	\$94.15

B. Spouse's Non-Investment Income - (If you were married during any portion of the reporting year, please complete this section. Dollar amount not required except for bonuses.)☐ **NONE** - (No reportable non-investment income.)

	<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	2004	Livonia Central School (salary)

IV. REIMBURSEMENTS - transportation, lodging, food, entertainment

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

☐ **NONE** - (No such reportable reimbursements.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>
1.	New York State Bar Association-Criminal Justice Section	1/29 - I received Outstanding Jurist Award. (room)
2.	University of Buffalo	1/30 - University of Buffalo Law Luncheon in conjunction with the New York State Bar Association - speech. (room, meals,)
3.	California Western Law School	4/14 Law school seminar (transportation and accommodations)
4.	Yale Law School	4/30 Educational seminar at the college (transportation and accommodations)
5.	Federal Bar Council	5/5 Seminar (accommodations)
6.	University of Southern Main	7/26 Educational Seminar (transportation and accommodations)

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IV. REIMBURSEMENTS - transportation, lodging, food, entertainment

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

☐ NONE - (No such reportable reimbursements.)

SOURCE

DESCRIPTION

7. Syracuse University Law School

8/12 Educational seminar - for the New York State Prosecutor's Training Institute. (mileage and tolls)

8. Monroe County Bar Association/Center for Education

2/12 speech (transportation, meal)

9. University of Buffalo

2/10 University of Buffalo Law Lunch - speech (meal and room)

10. Cornell Law School

To judge the moot court competition (mileage)

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V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of instructions.)

☒ **NONE** - (No such reportable gifts.)

SOURCE

DESCRIPTION

VALUE

1.

VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-34 of instructions.)

☒ **NONE** - (No reportable liabilities.)

CREDITOR

DESCRIPTION

VALUE CODE

1.

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VII. INVESTMENTS and TRUSTS — income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets) Place "00" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-J)	(2) Type (e.g. div. rent. or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Indication of buy/sell/merger (if multiple transactions)
☐ NONE (No reportable income, assets, or transactions)									
1. Key Bank Account	A	Interest	J	T					
2. Amgen (IRA)	A	Dividend			Sold	2/3	J		
3. Plug Power Inc. (IRA)	A	Dividend			Sold	3/11	J		
4. American Capital Fund (IRA)	A	Dividend			Sold	2/5	L		
5. Firsthand Funds Tech Value (IR	A	Dividend			Sold	2/3	J		
6. Prudential Investors (IRA)	A	Dividend			Sold	2/5	M		
7. Franklin/Templeton World Fund - A (IRA)	A	Dividend			Sold	2/3	K		
8. Washington Mutual Investors (IRA)	A	Dividend			Sold	2/5	L		
9. Washington Mutual Investors	A	Dividend	J	T					
10. Solomon Smith Barney Money Funds Cash (IRA)	A	Interest			Closed	1/6	J		
11. First Trust of Denver Cash Fund (IRA)	A	Interest			Closed	1/20	K		
12. Washington Mutual Investors	A	Dividend	J	T					
13. Trust I	A	Interest	J	T					
14. Trust II	A	Interest	J	T					
15. NWML Balanced Funds (IRA)	A	Dividend	J	T					
16. Northwestern Mutual Life (Whole Life)	D	Dividend	L	T					
17. Northwestern Mutual Life (Whole Life)	B	Dividend	J	T					
18. Northwestern Mutual Life (Whole Life)	C	Dividend	K	T					

1. Amount/Gain Codes	A = \$1,000 or less (See Columns B1 and D4)	B = \$1,001-\$2,500 G = \$100,001-\$1,000,000	C = \$2,501-\$5,000 H1 = \$1,000,001-\$3,000,000	D = \$5,001-\$15,000 H2 = More than \$6,000,000	E = \$15,001-\$50,000
2. Value Codes	J = \$15,000 or less (See Columns C1 and D3)	K = \$15,001-\$50,000 L = \$50,001-\$100,000 M = \$100,001-\$250,000 N = \$250,001-\$500,000 O = \$500,001-\$1,000,000 P = \$1,000,001-\$5,000,000 Q = \$5,000,001-\$25,000,000 R = \$25,000,001-\$50,000,000	X = \$15,001-\$50,000 Y = \$50,001-\$100,000 Z = \$100,001-\$250,000 AA = \$250,001-\$500,000 AB = \$500,001-\$1,000,000 AC = \$1,000,001-\$5,000,000 AD = \$5,000,001-\$25,000,000 AE = \$25,000,001-\$50,000,000		
3. Value Method Codes	Q = Appraisal (See Column C2)	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash/Market	

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VII INVESTMENTS and TRUSTS — income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets) Place "QC" after each asset except from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g. div. rent. or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
19. Northwestern Mutual Life (Whole Life)	B	Dividend	J	T					
20. Northwestern Mutual Life (Whole Life)	A	Dividend	J	T					
21. Northwestern Mutual Life (Whole Life)	A	Dividend	J	T					
22. SA Fixed Income Fund (IRA)	B	Dividend	L	T	Buy	2/5	L		
23. SA U.S. Market Fund Class I (IRA)	A	Dividend	L	T	Buy	2/5	L		
24. SA International Small Company Fund Class I (IRA)	A	Dividend	K	T	Buy	2/5	K		
25. SA International High Book to Market Fund Class I (IRA)	A	Dividend	M	T	Buy	2/5	M		
26. SA U.S. Small Fund Class I (IRA)	A	Dividend	K	T	Buy	2/5	K		
27. SA U.S. High Book to Market Fund Class I (IRA)	A	Dividend	K	T	Buy	2/5	K		
28. Assanti Capital Management, Inc. (IRA) cash	A	Interest	J	T	Deposit	2/5	J		

1. Amount/Gain Codes:	A = \$1,000 or less	B = \$1,001-\$2,500	C = \$2,501-\$5,000	D = \$5,001-\$15,000	E = \$15,001-\$50,000
(See Columns B) and D4)	F = \$50,001-\$100,000	G = \$100,001-\$1,000,000	H = \$1,000,001-\$5,000,000	I = More than \$5,000,000	
2. Value Codes:	J = \$15,000 or less	K = \$15,001-\$50,000	L = 50,001-100,000	M = \$100,001-\$250,000	N = \$250,001-\$500,000
(See Columns C) and D3)	O = \$500,001-\$1,000,000	P = \$1,000,001-\$5,000,000	Q = \$5,000,001-\$25,000,000	R = \$25,000,001-\$50,000,000	
3. Value Method Codes:	S = Appraised	T = Cost (Real Estate Only)	U = Assessed	V = Estimated	W = Cash/Market
(See Column C2)	X = Book Value	Y = Other			

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VIII ADDITIONAL INFORMATION OR EXPLANATIONS

(Indicate part of Report)

1. Part I - Positions:

Trust I

Trust II I am the trustee for both trusts.

2. Part VII - Investments and Trusts:

Page 1 - In my report for 2003, I listed [REDACTED] life insurance policies. That was in error - [REDACTED] and I hold only [REDACTED] life insurance policies

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IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

Date

23 March 2005

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

RICHARD C. WESLEY
UNITED STATES CIRCUIT JUDGE

April 25, 2005

563-243-7910
FAX 563-243-7915

Hon. Mary M. Lisi
Judicial Conference of the United States
Committee on Financial Disclosure
One Columbus Circle, N.E.
Washington, D.C. 20544

Re: Calendar Year 2004 Filing

Dear Judge Lisi:

Thank you for your letter of April 15, 2005 and the opportunity to amend my 2004 report. Please consider this letter an amendment to my report.

Amendment to Part IV, lines 1-10:

#1.....	New York City
#2.....	New York City
#3.....	San Diego, California
#4.....	New Haven, Connecticut
#5.....	New York City
#6.....	Portland, Maine
#7.....	Syracuse, New York
#8.....	Rochester, New York
#9.....	Buffalo, New York
#10.....	Ithaca, New York

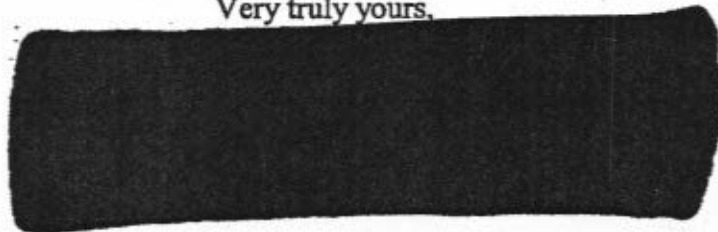
RECEIVED
2005 MAY -2 A 11:16
FINANCIAL
DISCLOSURE OFFICE

Amendment to Part VII, page 1, lines 13 and 14:

Both Trust I and Trust II are maintained at Chevy Chase Bank.

If you have any other questions, please don't hesitate to contact me. Thank you for your assistance.

Very truly yours,



RCW/sm

LIVINGSTON COUNTY GOVERNMENT CENTER
6 COURT STREET
GENESEE, NEW YORK 14454-1030