

ORAL ARGUMENT NOT YET SCHEDULED

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-3050

UNITED STATES OF AMERICA,

Appellee,

v.

NICHOLAS PROCTOR,

Appellant

APPEALS FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNOPPOSED MOTION TO VACATE JUDGMENT
AND REMAND FOR PURPOSE OF DISMISSING INDICTMENT

The United States of America, appellee herein, respectfully moves this Court for an order vacating the district court's judgment and remanding this case for the purpose of dismissing the indictment. During a review of the government's files in connection with appellant's appeal, it was learned that there may have been inadvertent nondisclosure of certain potentially impeaching information concerning appellant's statements to police, which were the subject of a pretrial motion to suppress statements and which were elicited at trial. Appellant's counsel, Jonathan

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Jeffress and Rosanna Taormina, have been informed of this motion and have advised that appellant will not oppose it.

_____/s/_____
RONALD C. MACHEN JR.
United States Attorney

_____/s/_____
ROY W. MCLEESE III
Assistant United States Attorney

_____/s/_____
JOHN P. MANNARINO
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_____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 21st day of May, 2010, I have caused a copy of the foregoing to be served by electronic means, through the Court's CM/ECF system, upon:

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/s/

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