

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 3:75-CR-26-F
No. 5:06-CV-24-F

UNITED STATES OF AMERICA)
)
 v.)
)
JEFFREY R. MacDONALD,)
)
 Movant)

GOVERNMENT'S MOTION FOR LEAVE
TO FILE OVERSIZED RESPONSES

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves for leave to exceed the page-limit provided in the local rules in its responses being filed December 12-13, 2011, and in support of said motion, respectfully shows unto the Court the following:

1. The Government is responding to Movant's Motion for a Hearing [DE-175] and Motion for New Trial Pursuant to the Innocence Protection Act [DE-176], and the responses are due on December 13, 2011.

2. As the Government was preparing its response to the motion for new trial [DE-176], it became apparent that in reality it was two separate motions, one seeking a new trial based on the DNA test results completed in 2006, and another one seeking new DNA testing. Though there is some overlap, each of these motions raises separate legal and scientific issues, and requires extensive citation to the lengthy record in this case.

3. The Government has prepared and is proposing to file two separate responses to DE-176, one addressing the motion for a new

trial and one addressing the motion for new testing.¹

4. Because of the complexity of the issues and the need to parse the record in this case carefully, each of these responses exceeds the page limit of EDNC Local Civil Rule 7.2(e).²

5. Accordingly, the Government requests leave to file two responses to DE-176, each not exceeding 50 pages.

6. The undersigned contacted Ms. Sue Berry, counsel for Jeffrey MacDonald. She stated that she was not opposed to this motion. The parties forecast that MacDonald's counsel will need additional time to reply to the responses, and the Government is not opposed to whatever extension of time the Court is inclined to allow for the replies.

Respectfully submitted, this 12th day of December, 2011.

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United States Attorney

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¹ The Government will also file a response to the request for hearing [DE-175], but it will be much more brief than the other two responses.

² Though it also bears a criminal case number, this is really a civil proceeding.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing document upon the defendant in this action either electronically or by placing a copy of same in the United States mail, postage prepaid, and addressed to counsel for defendant as follows:

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This, the 12th day of December, 2011.

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