

# Update Letter

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**APRIL 2011**

Dear Friends and Supporters:

We are so pleased to let you know that the 4th Circuit Court of Appeals has granted our appeal and vacated Judge Fox's rulings of November, 2008, despite all of the government's objections. Needless to say, the wheels of justice turn slowly, but they do turn, and the 4th Circuit has now made it clear that the "evidence as a whole" must be reviewed. We are, of course, are more than hopeful that the next step will be the most direct route to Jeff's release.

We are very gratified that the 4th Circuit agreed that the District Judge's refusal to consider any of the material put before him, much less all of it, was incorrect. It is very rare for a Circuit Court to overrule another judge, and the 4th Circuit's reasons for doing so are outlined in their detailed opinion ([Click here to read opinion](#)).

Having won this appeal, we can now move forward. We are very grateful to Barry Scheck, The Innocence Project and its progeny in North Carolina and New England, as well as NACDL (the National Association of Criminal Defense Attorneys) for the friend-of-the-court briefs they submitted on our behalf, and to our superb attorneys, Hart Miles and Joe Zsezotarski, whose presentation of the tenants of law involved, as well as the facts of the case, clearly convinced the 4th Circuit that the lower court's decision could not stand.

We thank all of our personal friends, family and the many kind supporters who continue to be there for us and look forward to updating the website once again when there is more news to share.

As always, we maintain our steadfast belief that *the truth matters and the truth "will out"*. There is no obstacle that the truth cannot overcome - it is, like love, a force with limitless power. The 4th Circuit's ruling in our favor bolsters our beliefs and renews our strength just as Spring is upon us, rejuvenating the earth after the long, cold winter.

Sincerely,  
Jeff and Kathryn MacDonald

**JIMMY B. BRITT**

September 25, 1938 - October 19, 2008  
*His strength and integrity will never be forgotten*  
[Learn more about the career of Mr. Britt](#)

*"All truth passes through three stages. First, it is ridiculed.*

EXHIBIT 4