

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 3:75-CR-00026-F
No. 5:06-CV-00024-F

UNITED STATES OF AMERICA)
)
) REPLY TO GOVERNMENT’S
) RESPONSE TO DEFENDANT’S
JEFFREY R. MacDONALD) MOTION TO EXTEND TIME
)

NOW COMES the Defendant, Jeffrey R. MacDonald, by and through undersigned counsel, to respond to the Government’s Response to Movant’s “Motion to Extend Time”. [DE-360]. Undersigned counsel shows the Court the following:

1. On August 8, 2014, this Court denied Defendant’s motion requesting testing pursuant to the Innocence Protection Act (18 U.S.C. § 3600) (“IPA Claim”). [DE-356]. Undersigned counsel was not notified by the Court of the order.
2. According to the Government’s response [DE-360], the Government corresponded with Mr. Gordon Widenhouse regarding the Defendant’s IPA claim. Undersigned counsel was not included in any of the correspondence.
3. On September 3, 2014, undersigned counsel’s office confirmed with the Clerk’s office that she had been removed from notifications sometime after filing a Clarification of Notice of Appearance in September 2012.
4. That same day, undersigned counsel left a voicemail message for Mr. John Bruce. In response to that voicemail, Ms. Leslie Cooley contacted undersigned counsel to discuss the request for an extension of the deadline to file for a Notice of Appeal of this Court’s Order denying Defendant’s IPA claim. [DE-356]. Contrary to the

- Government's response [DE-360], that conversation did not include any mention of the appeal being civil in nature nor was any particular rule discussed.
5. Additionally, during that conversation, Ms. Cooley informed undersigned counsel that the deadline for filing a Notice of Appeal had passed and that therefore the Government could not consent to an extension.
 6. Although the Government's position in its response [DE-360] is inconsistent with its previous statements to undersigned counsel, Defendant is content to agree to the Government's determination that the deadline for the Notice of Appeal is not until October 7, 2014.
 7. Undersigned counsel acknowledges the need for clarification with respect to her status and such clarification will be forthcoming.

WHEREFORE, undersigned counsel respectfully requests that this Court clarify the deadline for Defendant to file a Notice of Appeal of this Court's Order as October 7, 2014.

This the 16th day of September, 2014.

/s/ Christine Mumma
Christine Mumma
Executive Director
N.C. Center on Actual Innocence
P.O. Box 52446
Shannon Plaza Station
Durham, NC 27717-2446
Email: cmumma@nccai.org
Telephone: (919) 489-3268
Fax: (919) 489-3285
N.C. State Bar No. 26103

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing REPLY TO GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION TO EXTEND TIME through the electronic service function of the Court's electronic filing system, as follows:

John S. Bruce
First Assistant U.S. Attorney
310 New Bern Avenue
Raleigh, NC 27601

Leslie K. Cooley
Assistant U.S. Attorney
310 New Bern Avenue
Raleigh, NC 27601

This the 16th day of September, 2014.

/s/ Christine Mumma
Christine Mumma
Executive Director
N.C. Center on Actual Innocence
P.O. Box 52446
Shannon Plaza Station
Durham, NC 27717-2446
Email: cmumma@nccai.org
Telephone: (919) 489-3268
Fax: (919) 489-3285
N.C. State Bar No. 26103