

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION - FELONY BRANCH

UNITED STATES OF AMERICA)
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DONALD GATES)
CRIM. NO. F 6602-81
JUDGE UGAST (SENIOR JUDGE)
S:H: DECEMBER 23, 2009

**GOVERNMENT'S MOTION TO JOIN IN DEFENDANT DONALD GATES'
MOTION TO VACATE CONVICTIONS
ON THE GROUNDS OF ACTUAL-INNOCENCE**

The United States, by and through its attorney, the United States Attorney for the District of Columbia, respectfully provides notice to this Court that, after a further review of all the circumstances in this case, the government now joins in the Defendant's Motion to Vacate Convictions on the Grounds of Actual Innocence. The United States withdraws the government's previous request for time to complete additional DNA testing, and submits that defendant's convictions should be vacated and dismissed immediately.

WHEREFORE, based on all of the above, the government respectfully requests this Court issue the attached proposed order, vacating Donald Gates convictions for first degree felony murder while armed, rape while armed, and carrying a pistol without a license.

Respectfully submitted,



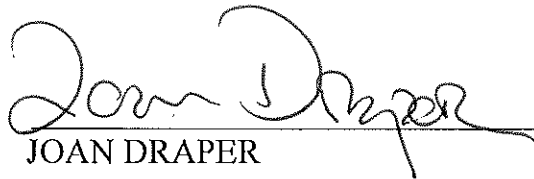
CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY



JOAN DRAPER
ASSISTANT UNITED STATES ATTORNEY

CERTIFICATE OF SERVICE

I certify that I caused the Government's Motion to be delivered by first class mail, and by electronic facsimile, this 18th day of December, 2009, to counsel for defendant, Sandra Levick and Parisa Dehghani-Tafti, Special Litigation Division, Public Defender Service, 633 Indiana Avenue N.W., Washington D.C. 20004.

A handwritten signature in black ink, appearing to read "Joan Draper", written over a horizontal line.

JOAN DRAPER
SPECIAL PROCEEDINGS DIVISION
USAO-DC
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cc:

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