

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION - FELONY BRANCH

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

ORDER

Upon consideration of Donald E. Gates' and the government's joint Motion to Vacate his Convictions on the Grounds of Actual Innocence, filed pursuant to the Innocence Protection Act, D.C. Code § 22-4135(a), and the entire record herein, including Mr. Gates' Affidavit of Innocence and the results of DNA testing by National Medical Services and Bode-Technology Group that exclude Mr. Gates as the perpetrator, this Court finds by clear and convincing evidence that Mr. Gates is actually innocent of the June 22, 1981, rape and murder of Catherine Schilling, and of all charges connected with that crime. Accordingly, it is on this 18th day of December, 2009, ORDERED that:

Donald E. Gates' convictions for first degree felony murder while armed, rape while armed, and carrying a pistol without a license are hereby VACATED, and the counts are DISMISSED WITH PREJUDICE on the grounds of Actual Innocence.

SO ORDERED.

Fred B. Ugast

The Honorable Fred B. Ugast, Senior Judge

Signed by Judge Russell E. Canam

cc:

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