

IN THE UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

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|---------------------------|---|-------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Appellee, |) | |
| |) | No. 15-4019 |
| |) | |
| |) | |
| ROBERT F. MCDONNELL, |) | |
| |) | |
| Defendant-Appellant. |) | |

Unopposed Motion to Hold in Abeyance for 30 days

On June 27, 2016, the Supreme Court vacated Robert F. McDonnell’s convictions because of error in the jury instructions and remanded to this Court to evaluate his argument that “there is insufficient evidence that he committed an ‘official act,’ or that he agreed to do so.” *McDonnell v. United States*, __ S. Ct. __, 2016 WL 3461561 at *21. The Court concluded, “Because the parties have not had an opportunity to address that question in light of the interpretation of [18 U.S.C.] § 201(a)(3) adopted by this Court, we leave it for the Court of Appeals to resolve in the first instance.” *Id.* The Court continued, “If the court below determines that there is sufficient evidence for a jury to convict Governor McDonnell of committing or agreeing to commit an ‘official act,’ his case may be set for a new trial. If the court instead determines that the evidence is insufficient,

the charges against him must be dismissed. We express no view on that question.”

Id.

The parties are presently analyzing the Supreme Court’s opinion and discussing what steps to take next in this case. The parties jointly move to hold the case briefly in abeyance for that discussion to occur and propose that they submit to this Court within 30 days of the filing of this motion either a proposed briefing schedule to address the issues on remand or an update on the status of those discussions. The parties have conferred on this motion and jointly make this request.

Respectfully submitted,

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United States Attorney

Raymond Hulser
Chief, Public Integrity Section
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By: _____ /s/

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Certificate of Service

I certify that on July 21, 2016, I filed electronically the foregoing response with the Clerk of the Court using the CM/ECF system, which will send notice of the filing to all attorneys of record in this case.

_____/s/
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