

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,)	
Plaintiff-Appellee,)	
)	APPEAL NO. 14-7543
)	
v.)	MOTION OF APPELLANT
)	TO EXTEND TIME
)	TIME TO FILE OPENING
JEFFREY R. MACDONALD,)	BRIEF AND APPENDIX
Defendant-Appellant)	

TO THE HONORABLE CLERK OF THE FOURTH CIRCUIT COURT OF APPEALS

NOW COMES the Defendant and Appellant, Jeffrey R. MacDonald, through his undersigned attorney, William M. Palmer, Esq., and moves this Honorable Court to extend the time for the Appellant to file and serve his Opening Brief and Appendix for 30 days, to be reset to be due on June 17, 2015, and to reset subsequent due date(s) by the same time period.

In support of this Motion, the Defendant-Appellant provides the Court with the following:

1. William M. Palmer, Esq., attorney for Defendant-Appellant, appeared on February 9, 2015.
2. The Court set the Appellant's Brief and Appendix to be due on March 17, 2015, and the Response Brief to be due on April 10, 2015, and then reset those deadlines to be April 16, 2015 and May 11, 2015, and subsequently reset those deadlines to be May 18, 2015, and June 12, 2015.
3. Attorney Palmer was not the Defendant-Appellant's attorney at the district court level, is new to this case and to this appeal, and up to the time of his appearance had never before studied the evidence before the Court in this case and in this appeal.

4. While Attorney Palmer was previously a federal public corruption and also a federal fraud prosecutor, having worked at the Fraud Section and Public Integrity Section of the Criminal Division and at the Offices of the U.S. Attorneys for the Central District of California and the Eastern District of Virginia, he is not a criminal appeals specialist, and he has no previous acquaintance with the Innocence Protection Act of 2004 nor with the science of forensic DNA testing.
5. Attorney Palmer is a solo practitioner and working on this matter *pro bono*.
6. This is a very complex case in which key evidence is circumstantial and moreover in significant part involves an application of a variety of forensic techniques. Attorney Palmer has been diligent about working on this case as a priority matter and has made further progress on all fronts since the second request for an extension and has fully or nearly fully studied the evidence in this case and appeal; the prior filings that bear on the appeal, which are numerous and lengthy; the science of forensic DNA testing; and the relevant law.
7. Attorney Palmer however requires more time to communicate with his client regarding the arguments to be made in the brief. Dr. MacDonald, the defendant-appellant, is an inmate in FCI Cumberland (in Maryland) and attorney Palmer is based in Boston, Massachusetts, and thus such communications are not logistically simple. Attorney Palmer has made appointments through the Bureau of Prison (“BoP”) to meet with his client the week of May 26th to review and discuss in-depth the issues, evidence and arguments. This is essential not only because ultimately this is the client’s case and his liberty that is at stake, but particularly so because the filings in this case span more than three decades and the history of the evidence presented to the Court and arguments made

in the case is extraordinarily complex and lengthy, and that history is inherently far better known to the client than to attorney Palmer, as the client has lived with the case for on the order of 35 years. This is the earliest the appointment could be made based on the BoP bureaucracy and also other professional and personal demands upon attorney Palmer's schedule, which include overseeing the care of a gravely ill family member. Upon attorney Palmer's return from meeting with the client, he will need an additional couple of weeks to complete the draft of the brief and finalize the joint appendix.

8. The Plaintiff-Appellee, the U.S. government, consents to this request.

Dated: May 18, 2015

Respectfully submitted,

JEFFREY R. MACDONALD
Defendant & Appellant,
By

/s/ William M. Palmer

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CERTIFICATION OF SERVICE

I certify that on this day May 18, 2015, this paper is being served on all counsel of record by email through the ECF system pursuant to the Federal Rules of Appellate Procedure and the Local Rules.

/s/ William M. Palmer
William M. Palmer