

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 3:75-CR-26-3
No. 5:06-CV-24-F

UNITED STATES OF AMERICA,
Plaintiff,

v.

JEFFREY R. MacDONALD,
Defendant.

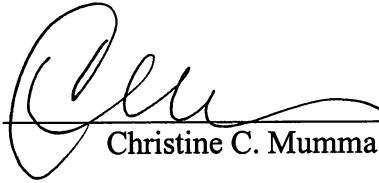
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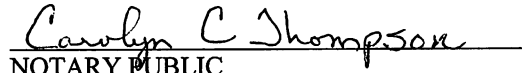
Pursuant to the Court's Order of April 2, 2012 [DE-255], Christine C. Mumma, being duly sworn and under penalty of perjury, states as follows:

1. I firmly believe oral arguments regarding the pending Innocence Protection Act claim in the Jeffrey R. MacDonald case are completely unnecessary. The facts and legal contentions are fully presented in the materials before the Court and oral argument will not aid in the decisional process.
2. There are no issues of material fact to be determined. There are no issues where arguments will be based on the credibility of witnesses or on this Court's determination of issues outside the established record. The Government acknowledges in its response to DE-251 that "[i]n light of the affidavits attached to the pleadings, the Government does not anticipate that either side would need to present evidence regarding the proposed new testing." DE-252 at ¶ 7.
3. 18 U.S.C. § 3600(a) is not particularly complicated. It was written by Congress to reach precisely the facts at issue in this case—the application of new scientific techniques that might establish a person's innocence—and was intended to be broadly construed.
4. As detailed in MacDonald's previous filings, there is sufficient evidence in the record to establish each of the statutory prerequisites for ordering testing under the IPA.
5. Time is of the essence with regards to MacDonald's IPA claim and the Court should not delay its ruling for another month to hear oral argument that is unnecessary to its resolution of the IPA motion. Although the Government has asserted, and I agree, that the IPA claim is a separate action from the pending § 2255 claim (*See* Status Conf. Tr. at 19), if the Court grants MacDonald DNA testing pursuant to the IPA in the near future, it will be possible to have the DNA testing completed prior to the evidentiary hearing on the pending § 2255 claim.

Further, Affiant says not.


Christine C. Mumma

Sworn to and subscribed before me this, the 12 day of 4, 2012.


NOTARY PUBLIC

My Commission Expires: May 13, 2016

