

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 3:75-CR-26-F  
No. 5:06-CV-24-F

UNITED STATES OF AMERICA	)	
	)	GOVERNMENT’S NOTICE OF FILING
v.	)	RELATING TO MOVANT’S PENDING
	)	RULE 59(e) MOTION
JEFFREY R. MacDONALD,	)	(Fed. R. Civ. P. 59(e))
Movant	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, in connection with the Movant’s pending motion pursuant to Fed. R. Civ. P. 59(e), hereby files with the Court the following material for such consideration as the Court deems appropriate:

1. On September 22, 2014, the United States Attorney for the Eastern District of North Carolina received by U.S. Mail the following materials:

- a. Letter dated September 17, 2014, from Norman Wong, Special Counsel, Executive Office for U.S. Attorneys, U.S. Department of Justice (Exhibit 1, 3 pp.);
- b. “Microscopic Hair Comparison Analysis: Result of Review,” August 15, 2014 (Exhibit 2, 5 pp.);
- c. Report of FBI Laboratory (Paul Stombaugh), November 5, 1974 (Exhibit 3, 4 pp.) [already in record of case: GX 3061.1-3061.4];
- d. Report of FBI Laboratory (Malone), December 31, 1990 (Exhibit 4, 12 pp.) [not already in record of case but see generally DE-10(8) (Affidavit of Michael Malone, filed 2/14/91)];
- e. Report of FBI Laboratory (Malone), February 4, 1991 (Exhibit 5, 2 pp.) [already in record of case: DE-218-2];
- f. Report of FBI Laboratory (Robert Fram), May 19, 1999 (Exhibit 6, 6 pp.); [page 7 of Exhibit 6 (“TEU – Page 1 of 1”) already in record of case: DE-225-19];

- g. Trial transcript, August 7, 1979 (Trial Day Thirteen), pp. 3944-4081 (not attached due to length) [already in record of case];
- h. Trial transcript, August 8, 1979 (Trial Day Fourteen), pp. 4082-4305 (not attached in full due to length, but TTr 4294, lines 1-6 (cited in Exhibit 2 at 6 (“Page 2 of 2”)) is attached hereto as Exhibit 7 [already in record of case]; and
- i. Trial transcript, August 9, 1979 (Trial Day Fifteen), pp. 4306-4423 (not attached due to length) [already in record of case].

2. This material is the product of a review of more than 20,000 cases prior to December 31, 1999, mentioned in Movant’s filing of August 21, 2014. See DE-357-1 at 14 of 146 n.12; 142 of 146 (“The Department Is Conducting a Comprehensive Review of Hair Comparison Analysis”); and 146 of 146 (final paragraph).

Respectfully submitted, this 23<sup>rd</sup> day of September, 2014.

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing document upon the defendant in this action either electronically or by placing a copy of same in the United States mail, postage prepaid, and addressed to counsel for defendant as follows:

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This, the 23rd day of September, 2014.

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