



U.S. Department of Justice

*United States Attorney
District of Maryland*

*Sandra Wilkinson
Chief, Major Crimes
Sandra.Wilkinson@usdoj.gov*

*Suite 400
36 S. Charles Street
Baltimore, MD 21201-3119*

*DIRECT: 410-209-4921
MAIN: 410-209-4800
FAX: 410-962-0716*

June 2, 2016

Honorable George L. Russell III
United States District Judge
United States Courthouse
101 West Lombard Street
Baltimore, Maryland 21201

RE: United States v. Annappareddy, GLR 13-0374

Dear Judge Russell:

During the recorded conference call on May 31, 2016, the Court presided over a discussion with the parties about the possible standard by which it must review the due process argument in the defendant's Motion for New Trial in light of the unique circumstances presented by this case. As the Court pointed out, using the analogy of cases where there has been a recantation of trial testimony, the Court must first be reasonably well satisfied that the evidence was wrong or false. Here, the government has conceded that there was a substantial error in the "inventory analysis" evidence that was placed before the jury during the testimony of the government's auditor. As the Court observed, the error was clearly unintentional, and the government categorically rejects any claim of misconduct but, in the government's view, this fact does not make the evidence any less wrong.

The Court continued that it must then determine whether, because of the wrong testimony, the jury might have reached a different conclusion and whether the party seeking the new trial was unable to contradict the testimony because he did not learn of it until after trial. The issues having now been fully vetted and briefed by the parties and new counsel for the defendant, the government agrees that the jury might have reached a different conclusion had it been aware of the errors in the inventory analysis and further, that there is a reasonable probability that the jury's verdict may have been impacted by the wrong evidence. The government is deeply mindful of the role of the federal prosecutor whose interest in a criminal prosecution is to ensure that justice be done and that the process by which a person is convicted of a crime be fair and based on evidence that is true and correct.

For this reason, the government concedes that the defendant's due process rights were impacted and joins in defendant's Motion for New Trial.

The government will, of course, be available tomorrow to respond to any questions the Court has but respectfully submits that neither additional testimony nor resources need to be expended at a two day hearing when the relief sought by the defendant – a new trial – is being consented to by the government. The government asks that a new trial be scheduled forthwith.

Very truly yours,

Rod J. Rosenstein
United States Attorney

_____/s/_____
Sandra Wilkinson
Kathleen O. Gavin
Assistant United States Attorneys

Catherine S. Pascale
Special Assistant United States Attorney

cc: Mark E. Schamel, Esq.
Joshua D. Greenberg, Esq.