

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.) Criminal No. 92-181 (TJH)
)
DEBORAH GORE DEAN,)
)
Defendant.)
)

MOTION TO RESOLVE PENDING MOTION
AND SENTENCE DEFENDANT

The United States submits this motion to resolve the pending motion in this case and to schedule the sentencing of defendant Deborah Gore Dean. This case was remanded by the Court of Appeals for resentencing in May 1995, and briefing by the parties on the sole outstanding motion was completed more than four years ago. The United States submits that the outstanding motion should be stricken or denied in its entirety, and requests that the Court schedule the resentencing of defendant Dean.

As grounds for the present motion, the United States provides the following summary of the proceedings in this matter:

Defendant Dean was indicted by the grand jury in 1992 as part of the investigation conducted by Housing and Urban Development (HUD) Independent Counsel Arlin Adams. Defendant Dean was convicted by a jury in 1993 and sentenced to prison by this Court in February 1994. In May 1995, the Court of Appeals

affirmed defendant's conviction on several counts, and remanded the case for resentencing on the remaining counts of conviction. As of the date of this motion, defendant Dean has not served any sentence and has not been resentenced.

Following the remand by the Court of Appeals, defendant Dean filed a motion for a new trial based upon newly discovered evidence. The Court denied that motion at a hearing on February 18, 1997. Defendant also filed a motion to dismiss or for a new trial based upon alleged violations of Brady v. Maryland, 373 U.S. 83 (1963). Independent Counsel Larry Thompson moved to strike the motion as untimely and barred by waiver. Defendant had ample opportunity to raise such claims earlier in the case; indeed, several Brady claims raised by defendant had already been considered and rejected by this Court and the Court of Appeals. Briefing by defendant Dean and the Independent Counsel on the Brady motion was completed by March 10, 1997. No final ruling has been issued on that motion.

On May 16, 1999, the Independent Counsel filed a Motion to Set a Status Conference to resolve remaining issues and schedule the matter for sentencing. In July 1999, Independent Counsel Thompson closed his office and referred the remaining matters in the Dean case to the Public Integrity Section of the Department of Justice.


On September 1, 1999, the Public Integrity Section filed a

Motion for Status Hearing to resolve any remaining issues and schedule the matter for sentencing. On November 13, 2000, the Public Integrity Section sent a letter to the Court and defendant Dean's counsel reviewing the prior proceedings and requesting that the Court schedule a status hearing and sentencing date in order to close the matter. No response or ruling was issued by the Court.

Conclusion

The United States respectfully requests that the Court strike or deny defendant's outstanding motion in its entirety and schedule the sentencing of defendant Dean. In the event that the Court does not resolve the outstanding motion or schedule the sentencing, the United States will seek a writ of mandamus from the Court of Appeals to conclude this case.


Respectfully submitted,


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Dated: March 16, 2001

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of March, 2001, I caused a copy of the foregoing Motion to Resolve Pending Motion and Sentence Defendant to be served by first class mail, postage prepaid, on counsel for the defendant, Joseph J. Aronica, Esq., Dechert, Price & Rhoads, 1775 I Street, N.W., Washington, DC 20006.



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