

IN THE UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,)
)
 Appellee,)
)
 MAUREEN G. McDONNELL,)
)
 Defendant-Appellant.)

No. 15-4116

Unopposed Motion to Hold in Abeyance

On June 27, 2016, the Supreme Court vacated Robert F. McDonnell’s convictions because of error in the jury instructions and remanded to this Court to evaluate his argument that “there is insufficient evidence that he committed an ‘official act,’ or that he agreed to do so.” *McDonnell v. United States*, __ S. Ct. __, 2016 WL 3461561 at *21. The Court concluded, “Because the parties have not had an opportunity to address that question in light of the interpretation of [18 U.S.C.] § 201(a)(3) adopted by this Court, we leave it for the Court of Appeals to resolve in the first instance.” *Id.* The Court continued, “If the court below determines that there is sufficient evidence for a jury to convict Governor McDonnell of committing or agreeing to commit an ‘official act,’ his case may be set for a new trial. If the court instead determines that the evidence is insufficient,

the charges against him must be dismissed. We express no view on that question.”

Id.

The instructional errors identified in Robert F. McDonnell’s case also apply to Maureen G. McDonnell’s case, and her convictions should therefore be vacated.

The parties are presently analyzing the Supreme Court’s opinion and discussing what steps to take next in this case. On July 29, 2016, this Court granted the joint motion of the United States and Appellant Robert F. McDonnell to hold Robert F. McDonnell’s appeal in abeyance for a period of 30 days. The Court directed the United States and Robert F. McDonnell to file a proposed briefing schedule or joint status report on or before August 29, 2016.

Appellant Maureen G. McDonnell respectfully moves to hold her appeal in abeyance for the same period and proposes that the parties submit to this Court on or before August 29, 2016 either a proposed briefing schedule to address the issues pending in Maureen G. McDonnell’s appeal or to submit a joint resolution of the case. Maureen G. McDonnell has conferred with the United States on this motion and the United States does not oppose this request.

Dated: August 1, 2016

Respectfully submitted,

/s/ William A. Burck

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CERTIFICATE OF SERVICE

I, William A. Burck, certify that I caused the foregoing to be served on counsel of record for all parties through the CM/ECF system on August 1, 2016.

/s/ William A. Burck

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