

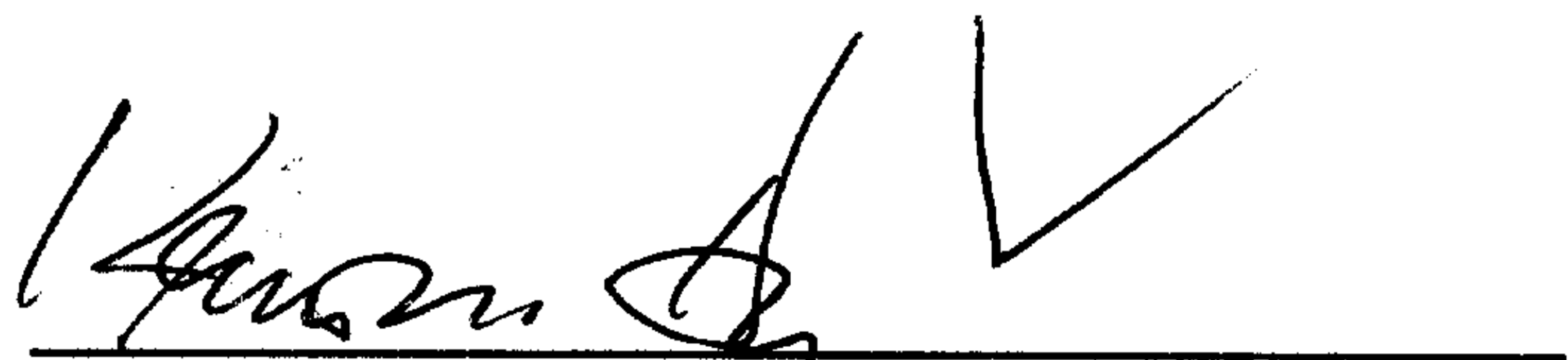


the least, the revelations in the evidence is disconcerting. It is the Court's view, however, that because this evidence was always available to the defendant, (maybe not trial counsel) it is not newly discovered evidence and thus, is immaterial to the jury's decision.

The Court Denies the motion in all respects.

It is so ORDERED.

Signed this 18th day of April, 1994.

  
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KENNETH M. HOYT  
United States District Court