



IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

CASE NO. 94-8151

UNITED STATES OF AMERICA

Appellee,

versus

GEORGE W. HIGH

Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

PETITION FOR RE-HEARING

WILLIAM A. MORRISON
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This Is A Criminal Case Which Is Entitled To Preference
Under F.R.A.P. 45(b) And Under Category (a) Of
Appendix One of The Rules Of The Eleventh Circuit

CERTIFICATE OF INTERESTED PERSONS

1. Michael Abott (Attorney for Virginia High)
2. Tony Axam (Attorney for Robert Ward)
3. The Honorable John Daugherty (Magistrate Judge)
4. Alex Garcia (Co-Defendant)
5. George High (Appellant-Defendant)
6. Virginia High (Co-Defendant)
7. William A. Morrison (Attorney for George High)
8. H. Allen Moye (Attorney for United States)
9. Steven Rosen (Attorney for Alex Garcia)
10. The Honorable Robert Vinning (United States District Court Judge)
11. Robert Ward (Co-Defendant)

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This Court's opinion does not distinguish between the evidence supporting the conviction of Virginia High and the evidence (or lack thereof of evidence) supporting the conviction of George High. The opinion except for one (1) specific reference to a transaction upon which George High was acquitted, does not make any distinction between the Highs.

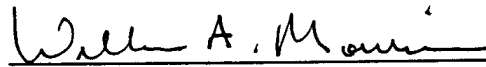
George High contends that he was convicted primarily based upon his marital relationship with Virginia High and the jury's natural assumption that because of the husband/wife relationship that he must have been guilty of the same crimes that the wife was guilty of. The record, as pointed out by High in his Brief at pages 12-15, does not support his conviction. The one specific instance referred to by this Court at pages 2371-2372 of the Slip opinion describes a transaction

upon which George High was charged, tried, and acquitted.

George High would respectfully request that this Court reanalyze those portions of the transcript pointed out in his Brief where he points out that the testimony at trial indicated that Virginia High conducted and participated in all of the transactions from which one could infer that an individual actively participated in the drug conspiracy. At best, George High was merely present and his role in the matter should be clearly differentiated from his wife's role.

George High respectfully request that this Court re-hear his assertion that his conviction on Count 1 should be reversed because of insufficiency of the evidence and that the conviction be reversed.

RESPECTFULLY SUBMITTED,



WILLIAM A. MORRISON
ATTORNEY FOR GEORGE HIGH

CERTIFICATE OF SERVICE

I, William A. Morrison, certify that I have served the Assistant United States Attorney for the Northern District of Georgia, H. Allen Moye, with a copy of this Petition for Re-Hearing by placing the same in a properly addressed stamped envelope as follows:

H. Allen Moye
400 United States Courthouse
75 Spring Street, S.W.
Atlanta, GA 30335

This 7th day of August, 1997.



WILLIAM A. MORRISON