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LITTLER & THOMAS, Clerk
By *[Signature]* Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

GEORGE HIGH and VIRGINIA C.
HIGH,

Defendants.

CRIMINAL ACTION
NO. 1:92-CR-182-475

ORDER

This matter is before the court on the defendants' motion for new trial based upon newly discovered evidence [Doc. No. 559], and motion for appointment of counsel [Doc. No. 560].


After a jury found the defendants guilty of various charges, this court sentenced the defendants for conspiring to distribute and possession with intent to distribute cocaine (Count One) and for conspiring to launder drug proceeds, structure currency transactions and defraud the government (Count Thirteen), with the terms to run concurrent with each other. The Court of Appeals affirmed the convictions and sentences on Count One but reversed the convictions on Count Thirteen and remanded for a new trial on that count.

Virginia High then moved for a new trial, raising substantially the same ground that had been rejected by the Court of Appeals on direct appeal. The only new ground was mooted when the government dismissed the count on which the Court of Appeals had reversed her conviction. Because there was no viable basis for a new trial, the court denied the motion for new trial by order

filed on February 26, 1998. Both this court and the Court of Appeals declined to issue a certificate of appealability.

Because the defendants, in their motion for new trial, have not shown that any of the alleged "newly discovered evidence" was not already known to them at the time they filed their direct appeals or, in the case of Virginia High, when she filed her previous motion for new trial, the court hereby DENIES the motion for new trial. The motion for appointment of counsel is also DENIED.

SO ORDERED, this 13th day of January, 1999.



ROBERT L. VINING, JR.
Senior United States District Judge