

7/28/97

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA  
THE ELEVENTH CIRCUIT

Virginia C. High  
43083-019 Unit B-1  
P.O. Box 2149  
Bryan, Texas 77805

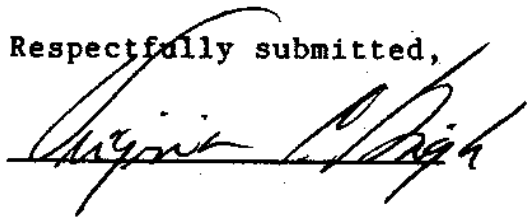
Case Number: 1:92-cr-182-12

MOTION FOR NEW TRIAL AND RELEASE ON BAIL-NEWLEY DISCOVERED EVIDENCE-FEDERAL

PLEASE TAKE NOTICE, that upon the annexed duly verified affidavit of Virginia C. High and the notice of motion, attached affidavits, and exhibits in the action caption United States of America v. George W. High, Sr., and Virginia C. High, and on all pleadings and proceedings had herein, a motion will be made at a Criminal Term of the United States District Court for the Northern District of Georgia, at the United States Courthouse, 2211 U.S. Courthouse, Atlanta, Georgia on July 28, 1997, at \_\_\_\_\_ or as soon thereafter as counsel can be heard, for an Order:

1. Granting the Defendant a new trial upon the ground of newly discovered evidence, and Opinion from The Court of Appeals .
2. Granting the Defendant release on bail pending the hearing and determination of said motion, and other issues.
3. For such other and further relief as to the Court may seem just and proper in the premises.

Respectfully submitted,



Dated: 7/28/97

On January 20, 1994, defendants were each sentenced to 97 months of imprisonment.

On February 16, 1994, Virginia C. High, was denied bond pending appeal, by the District Court. However, defendant was not made aware of the bond denial until she received a telephone call, from the pretrial Officers on March 20, 1994, inquiring, why defendants were not at designated place of imprisonment. Defendants replied, "because we had not been notified, that we had been designated". The pre-trial Officers told us of our designation, and when to report.

On March 28, 1994, defendants self-surrendered to the Bureau of Prisons, as directed.

On October 9, 1996, oral arguments on the appeal, was heard on counts: 1 and 13.

On July 21, 1997 the Court of Appeals issued a written opinion: Affirmed in part, reversed in part, and remanded in part.

On July 25, Virginia High, phoned her Attorney, C. Michael Abbott, who instructed her to put her request in writing and mail it to him, because he had not had a chance to read the opinion, his Secretary had quit, and his new one would not be starting for another week. Over the weekend of July 26-27, 1997, I typed the following: Motion for New Trial, and a Motion for New Trial and Release on Bail-Newly Discovered Evidence, and put them in mail, to him.

(3)

1:94-CR-182-12, Appeal Nos. 94-8151, 94-8230

On July 28, 1997, between 11a.m. and 12p.m., I phoned Attorney Abbott again, and after informing him of the motions I had mailed him, he said a new trial would not do me any good, that I had a concurrent sentence. He respectfully declined to continue, and suggested I get another attorney.

I forwarded copies of the aforementioned motions, and additional motions: Habeas Corpus, and a Motion to vacate, set aside or correct my sentence, raising numerous issues, *directly to the Court.* Copies of Motions, outlining issues, may be requested.

The Highs, U.S. citizens, and married, were taxpaying, self-employed business people, operating in and around metro Atlanta, Georgia, since 1979, when George W. High, Sr. was license under his name to contract painting jobs. He changed business name to Georgia Home Improvement Co., a general contracting firm, that provided jobs. A second business license was obtained in 1986, for High's Realty Company, George W. High, Sr., was the Broker, who employed numerous Real Estate Agents. A third business license was obtained in 1990, for High-Five Inc., a property investment, restoration firm, that provided jobs that help rehabilitate communities, such as the Lakewood Village apartments.

The Highs were not named in Count 1 of indictment dated July 9, 1997, for drug violation. The Highs were not apart of any drug conspiracy. *(see ex. A)*

(4)

1:94-CR-182-12, Appeal nos 94-  
8151, 94-8230

The Government concedes that the Higs did not possess drugs,  
in U.S. v. High, CA 11, 94-8151, 94-8230, 7/21/1997.

The Higs acts were in good faith, and were not done to  
break or show any disrespect for the law.

The Higs wre not given a speedy trial, due to the third  
superceeding indictment, because of government misconduct.

The Higs have been incarcerated for over 40 Months, since  
self-surrendering on March 28, 1994.

THEREFORE: I am requesting a rehearing en banc, in our  
case, as soon as possible.

Respectfully submitted,

*Virginia C. High 7/29/97*  
Virginia C. High  
43083-019, Unit B-1  
FPC BRYAN  
P.O. Box 2149  
Bryan, Texas 77805