

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,)	
)	
Appellee,)	
)	No. 15-4019
)	
)	
ROBERT F. McDONNELL,)	
)	
Defendant-Appellant.)	

Joint Status Report

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 parties jointly moved to hold this case in abeyance for 30 days, and this Court granted the motion and ordered that "[t]he parties are directed to file a proposed briefing schedule or a joint status report on or before August 29, 2016." Doc. No. 151 at 2. The parties have been conferring, and that process has progressed but has not been completed within the Department of Justice. The parties jointly request that the case be held in abeyance for an

additional three weeks, until September 19, 2016. The parties will not make any further requests to hold in abeyance the issuance of a briefing schedule.

Respectfully submitted,

Dana J. Boente
United States Attorney

Raymond Hulser
Chief, Public Integrity Section
Criminal Division
U.S. Department of Justice

By: _____/s/_____

Richard D. Cooke
Ryan S. Faulconer
Michael S. Dry
Jessica D. Aber
David V. Harbach, II
Counsel for the United States
U.S. Attorney's Office
919 E. Main Street, Suite 1900
Richmond, VA 23219
Phone: 804-819-5400
Fax: 804-771-2316

Email: richard.cooke@usdoj.gov
ryan.faulconer2@usdoj.gov
michael.s.dry@usdoj.gov
jessica.d.aber@usdoj.gov

Certificate of Service

I certify that on August 26, 2016, I filed electronically the foregoing response with the Clerk of the Court using the CM/ECF system, which will send notice of the filing to all attorneys of record in this case.

/s/

Richard D. Cooke
Assistant United States Attorney
U.S. Attorney's Office
Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, Virginia 23219
(804) 819-5471
richard.cooke@usdoj.gov