

rec'd 3/1/04

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

UNITED STATES OF AMERICA

v.

ELENA RUTH SASSOWER,

Defendant

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Criminal No. M-4113-03
Misdemeanor Calendar I

ORDER


This matter comes before the Court as Defendant's request for written adjudication of her discovery rights, contained within Defendant's Notice of Motion to Disqualify Judge Brian F. Holeman & for Postponement/Continuance of the March 1, 2004 Trial Date Pending Responsive, Written Adjudication of Defendant's Still-Outstanding October 30, 2003 Motion to Enforce her Discovery Rights, the Prosecution's Disclosure Obligations, and for Sanctions, and Affidavit in Support thereof, filed February 24, 2004.

The record of this case reflects that Defendant previously filed a Notice of Motion to Enforce Defendant's Discovery Rights and the Prosecution's Discovery Obligations, and Affidavit in Support thereof, on November 6, 2003. At a hearing held on December 3, 2003, Judge Milliken ruled on this Motion, thereby establishing the law of this case with respect to all outstanding discovery obligations on the part of the Government. Judge Milliken determined that the sole outstanding discovery obligation of the Government was the *ex parte in camera* submission of documents relevant to bias cross-examination, which was satisfied by way of the Government's submission of responsive documents for this Court's review on January 14, 2004.

Further, Judge Milliken ruled that there would be no imposition of sanctions against the Government for failure to comply with discovery obligations.

Accordingly, upon consideration of Defendant's instant Motion, and any opposition thereto, there being no demonstration of newly presented facts or a change in substantive law, it is this 26th day of February, 2004 hereby

ORDERED, that the Defendant's Motion is **DENIED**.


BRIAN F. HOLEMAN
JUDGE

Copies forwarded by facsimile and mailed to:

SIGNED IN CHAMBERS

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