

THE HONORABLE RHONDA REID WINSTON
DISTRICT OF COLUMBIA SUPERIOR COURT
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CLERK OF THE
 DISTRICT OF COLUMBIA
 COURT REPORTING BRANCH

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division – Felony Branch

2010 MAY -3 P 2:26

UNITED STATES OF AMERICA,	:	
v.	:	FILED
	:	Criminal No. F 5751-04
DWIGHT GRANDSON,	:	Closed Case
	:	Judge Rhonda Reid Winston
<u>Defendant.</u>	:	

ORDER

This matter is before the Court on Defendant’s “Motion Pursuant to D.C. Code § 23-110 to Vacate Conviction and Sentence and For a New Trial” (“Motion”) filed June 12, 2009, and the Government’s opposition thereto. The Court, having considered the pleadings; the testimony, other evidence, and representations made at the March 2, 3, and 10, 2010 hearings on the defendant’s Motion; and the transcripts of the trial in this case, finds that the Government violated its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963) by 1) failing to disclose in advance of trial Miracle Cowser’s expectation of a reward, and 2) failing to disclose information that the defendant had previously carried a .25 caliber gun, rather than a .45 caliber semi-automatic gun.¹ The Court further finds, for reasons to be set forth more fully in memorandum order to follow, that the violations were “so serious that there is a reasonable probability that the suppressed evidence would have produced ... different verdict[s] [at trial].” *Stickler v. Greene*, 527 U.S. 263, 281 (1999).

ACCORDINGLY, for the foregoing reasons and based on the entire record herein, the Court hereby

¹ The government did not disclose the information. Rather, the Court during its review of the grand jury testimony of a defense witness made the discovery towards the end of that witness’s testimony at trial.

ORDERS that the Defendant's Motion be and hereby is **GRANTED**; and the Court further

ORDERS that the Defendant's convictions for First Degree Murder While Armed in violation of D.C Code §§ 22-2402, 3202; Possession of a Firearm During the Commission of a Crime of Violence in violation of D.C. Code §22-3204(b); Carrying a Pistol without a License in violation of D.C. Code §22-3204(a)(1); and Obstruction of Justice in violation of D.C. Code §722(b) be and hereby are **VACATED**; and the Court further

ORDERS that the Defendant shall be granted a new trial on the charges in the indictment in this case; and the Court further

ORDERS that the Defendant be held without bond pursuant to D.C. Code §1325 (a) pending May 4, 2010 status hearing.

SO ORDERED.

5-3-10

Date



RHONDA REID WINSTON

Associate Judge

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The Honorable Gerald I. Fisher
Associate Judge

Mr. Dan Cipullo,
Division Director, Criminal Division