

# In The District Court

  

## For the District of Wyoming

UNITED STATES OF AMERICA,        )  
  )  
                  Plaintiff,                    )  
  )  
vs.    )  
  )  
NATHANIEL SOLON                         )  
  )  
                  Defendant.                 )

Case No. 07-CR-32-B

### ORDER GRANTING NEW TRIAL

THIS MATTER comes before the Court upon Defendant’s Motion for a New Trial under Federal Rule of Criminal Procedure 33(a) and (b) (2). Defendant relies primarily upon the holding in *United States v. Mortimer*, 160 F.3d 240 (3<sup>rd</sup> Cir. 1998). The Court having reviewed that case and others, the Court determines that motion should be granted based upon potential prejudice to the Defendant from structural error.

IT IS HEREBY ORDERED that Defendant’s Motion for New Trial is granted.

SO ORDERED this \_\_\_\_\_ day of December, 2008.

BY THE COURT:

\_\_\_\_\_  
HONORABLE CLARENCE A. BRIMMER