

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CR-05-043-WH</b>
	)	
<b>JIMMY C. CHISUM,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Before the Court is the motion of the defendant for new trial [based] on newly discovered evidence. Defendant was convicted on November 30, 2005 of four counts of violating 26 U.S.C. §7201. The present motion was filed on April 17, 2006, which is within the three year time limit for such a motion. *See* Rule 33(b)(1) F.R.Cr.P.

To the extent the Court understands defendant’s argument, it does not appear to be based on newly discovered evidence. Defendant states he received the materials in question “just before trial” (Defendant’s Motion at 1). Therefore, the motion is in fact untimely\*. In any event, the Court is not persuaded that a new trial should be granted based on the arguments presented.

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\**See* Rule 33(b)(2) F.R.Cr.P.

It is the Order of the Court that the motion of the defendant for new trial (#94) is hereby DENIED.

**ORDERED THIS 10th DAY OF MAY, 2006.**

A handwritten signature in black ink, reading "Ronald A. White", written over a horizontal line.

Ronald A. White  
United States District Judge  
Eastern District of Oklahoma