

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

UNITED STATES OF AMERICA,]	
]	
v.]	Case No.: 1:06cr123
]	
MARTIN F. SALAZAR,]	
]	
Defendant.]	

MOTION FOR NEW TRIAL

Comes now Defendant, Martin F. Salazar, and moves this Honorable Court for an Order setting a new trial based upon newly discovered evidence pursuant to Rule 33 of the Federal Rules of Criminal Procedure. Defendant's attorney of record (David Braghirol) for this defense, has been suspended by the S.C. State Bar. Although an appeal is pending, this Court has jurisdiction to either deny the Motion for New Trial or certify to the Court of Appeals its intention to grant the Motion for New Trial so the Court of Appeals could remand the case. *United States v. Cronin*, 466 U.S. 648, 667 n. 42, 104 S. Ct. 2039, 2051, 80 L. Ed. 2d 657 (1984). The grounds for this motion are set forth in the memorandum, along with exhibits, filed contemporaneously herewith.

RESPECTFULLY SUBMITTED, this 28th day of August, 2008.

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