

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,

v.

VIDA DEAS,
Defendant.

No. 3:07cr73 (SRU)

ORDER DENYING DEFENDANT'S MOTION FOR A NEW TRIAL

On April 23, 2012, defendant Vida Deas filed a motion for a new trial (doc. #878), claiming that newly discovered evidence exculpated him and asking this court to re-open his case. However, Deas did not describe the nature of the new evidence in any way, nor did he include affidavits or exhibits explaining how the evidence affects his case. On May 29, 2012, I ordered Deas to show cause on or before July 2, 2012 why his motion should not be denied (doc. # 879). Deas failed to do so.

A motion for a new trial is to be granted “only with great caution . . . in the most extraordinary circumstances, [and only] where it is required in the interest of justice.” *United States v. Sasso*, 59 F.3d 341, 350 (2d Cir. 1995). The defendant bears the burden of persuading the court to grant a new trial; he must show that previously unknown evidence is “material to the verdict, could not with due diligence have been discovered before or during the trial, and is not cumulative.” *Id.* District courts have broad discretion to grant or deny a motion based on the court’s assessment of the strength of the equities in a given case. *United States v. Triumph Capital Grp.*, 544 F.3d 149, 159 (2d Cir. 2008).

Because Deas has not responded to the Order to Show Cause, nor otherwise provided the court with sufficient information to assess his claim, his motion for a new trial (doc. # 878) must be DENIED.

Dated at Bridgeport, Connecticut, this 29th day of August, 2012.

/s/ Stefan R. Underhill
Stefan R. Underhill
United States District Judge