

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA                   :           CRIMINAL ACTION  
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  :           :  
  :           :  
  :           :  
STANLEY SKEETERS                           :           NO. 05-530

MEMORANDUM

Bartle, C.J.

August 21, 2006

Before the court is the second motion of defendant Stanley Skeeters for a new trial. On March 27, 2006, after a trial by jury, defendant Stanley Skeeters was found guilty of conspiracy to interfere with interstate commerce by robbery, 18 U.S.C. § 1951(a); interference with interstate commerce by robbery, 18 U.S.C. § 1951(a); carrying a firearm during and in relation to a crime of violence, 18 U.S.C. § 924(c)(1); and aiding and abetting, 18 U.S.C. § 2. On July 20, 2006, defendant moved for a new trial and we denied that motion as untimely. Fed. R. Civ. P. 33(b)(2). Defendant now timely moves for a new trial on the ground of newly discovered evidence. Fed. R. Civ. P. 33(b)(1).

Defendant presents two pieces of evidence. First, he asserts that during a telephone conversation with the mother of his co-conspirator, she informed him of the existence of an individual who knew the identity of the man who actually committed the crimes of which defendant was found guilty. She stated that the individual had been killed because he was going

to testify as to the identity of the actual culprit. According to defendant, the deceased individual's mother will be available to testify as to her son's knowledge. Second, defendant maintains that during an interview of his co-conspirator's mother, a detective explained that he was "going to bury the defendant Stanley Skeeters." This information, he contends, shows that he was "plotted against."

We are empowered to grant a new trial on the basis of newly discovered evidence if defendant establishes that: (1) the evidence was discovered since trial; (2) the defendant acted with diligence; (3) the evidence relied upon is not merely cumulative or impeaching; (4) the evidence is material to the issues involved; and (5) the evidence is of such nature that it would "probably produce an acquittal." United States v. Barbosa, 271 F.3d 438, 467 (3d Cir. 2001).

Defendant's evidence fails to meet the necessary standard. The statements of the detective are not material to the question of defendant's guilt. At best, they would merely serve to impeach the detective. Thus, this evidence does not satisfy the third and fourth elements of the standard. Barbosa, 271 F.3d at 467.

Moreover, any testimony regarding the identity of the alleged actual culprit would not "probably produce an acquittal." As an initial matter, it is highly doubtful that such out-of-court statements would be admissible at trial. They would be inadmissible hearsay. Fed. R. Evid. 802. Furthermore, the

evidence of guilt of the defendant was overwhelming, and the jury was clearly provided with sufficient independent evidence to support a conviction. United States v. Saada, 212 F.3d 210, 217 (3d Cir. 2000). At trial, the defendant's Muslim wife and co-conspirator testified about how she and the defendant committed the charged offenses. In addition, defendant's admissions of guilt to the police were admitted at trial. These admissions described details of the robberies of which defendant would not have knowledge unless he was a participant.

Because defendant has not satisfied the standard for the grant of a new trial on the ground of newly discovered evidence, his motion will be denied.

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ORDER

AND NOW, this 21st day of August, 2006, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that the motion of the defendant, Stanley Skeeters, for "a new trial pursuant to federal rules of crim. procedure, rule 33 (a), (1)" is DENIED.

BY THE COURT:

/s/ Harvey Bartle III  
C.J.