

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

| | | |
|--------------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CR. NO. 05-394 (RBW) |
| |) | |
| I. LEWIS LIBBY, |) | |
| also known as "Scooter Libby," |) | |
| Defendant. |) | |

NOTICE BY I. LEWIS LIBBY

Mr. Libby respectfully submits this notice to inform the Court that he does not intend to file a motion before the District Court for a new trial pursuant to Federal Rule of Criminal Procedure 33.

On March 6, 2007, defense counsel requested additional time to file a new trial motion under Rule 33. The Court granted this request and ordered that such a motion be filed by April 13, 2007.

Mr. Libby intends to raise in the Court of Appeals substantial issues of law on appeal of his conviction, including issues that may result in the granting of a new trial. However, defense counsel's review of the record leads us to conclude that the issues were adequately presented to the District Court during the course of the proceedings and that the Court ruled on them during or before trial. Counsel also conclude that the record does not need to be supplemented on these issues. Accordingly, we will not reargue them in a motion under Rule 33.

Dated: April 13, 2007

Respectfully submitted,

/s/ Theodore V. Wells, Jr.

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