

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 11a0291n.06

Nos. 08-3942, 08-3987, 09-3205

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
May 03, 2011
LEONARD GREEN, Clerk

UNITED STATES OF AMERICA,)

Plaintiff-Appellee,)

v.)

RICHARD B. WHITE;)

MICHAEL A. SUHADOLNIK,)

Defendants-Appellants.)

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE
NORTHERN DISTRICT OF
OHIO

OPINION

BEFORE: NORRIS, COLE, and KETHLEDGE, Circuit Judges.

PER CURIAM. Defendants Richard B. White and Michael A. Suhadolnik appeal from the denial of their motion for a new trial or, alternatively, for an evidentiary hearing. In 2003, defendants and three other individuals were charged in a fourteen-count indictment with crimes related to Medicare fraud. White was found guilty on all counts; Suhadolnik was convicted of a single wire fraud count. This court affirmed those convictions on direct appeal. *United States v. White*, 492 F.3d 380 (6th Cir. 2007). Although we affirmed the convictions, we vacated an order of the district court denying defendants' motion for a new trial and remanded the matter to enable the trial court to conduct an evidentiary hearing to determine whether the government withheld material evidence favorable to defendants. On remand, the district court conducted a hearing but denied relief.

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Our previous opinion contained an extensive discussion of the events that triggered the underlying prosecution, the evidence produced at trial, and our reasons for affirming the verdicts. By contrast, this appeal is much narrower in scope and presents a single question: Did the documents uncovered by defendants after remand, coupled with the testimony presented during the evidentiary hearing, entitle defendants to a new trial? Having had the benefit of extensive briefing and oral argument, the panel concludes, as did the district court, that the new evidence does not call the validity of the verdicts into question. We have independently assessed that evidence and now affirm the judgment of the district court based upon the reasoning set forth in its opinion filed on July 16, 2008.

The judgment of the district court is **affirmed**.