

**NONPRECEDENTIAL DISPOSITION**

To be cited only in accordance with  
Fed. R. App. P. 32.1

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

Submitted June 7, 2011

Decided June 14, 2011

**Before**

RICHARD A. POSNER, *Circuit Judge*

JOEL M. FLAUM, *Circuit Judge*

SAMUEL DER-YEGHIAYAN, *District Judge\**

Nos. 10-3890, 10-3905

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

REX I. HATFIELD and EVERLY  
HATFIELD,  
*Defendants-Appellants.*

Appeals from the United States  
District Court for the Southern  
District of Illinois.

No. 3:08-cr-30020-DRH-PMF

David R. Herndon,  
*Chief Judge.*

**ORDER**

The defendants were convicted by a jury of distributing illegal drugs with result of causing death to consumers of the drugs, and related offenses, and appealed. We reversed just the convictions relating to some of the deaths, for error in the jury instructions, but affirmed the other convictions, 591 F.3d 945 (7th Cir. 2010). On remand to the district court, the government dismissed the charges on which we had reversed, and as a result there was no occasion for a new trial; instead the judge simply resentenced the defendants.

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\* Hon. Samuel Der-Yeghiayan of the Northern District of Illinois, sitting by designation.

They moved for a new trial of the entire case primarily on the ground that the government had improperly withheld from the defense material the defense could have used to impeach some of the government's witnesses. The district judge denied the motion for a new trial in a 26-page opinion in which he ruled that the government should have turned over the material but that it would not have altered the result. We have nothing to add to the judge's analysis. He did not abuse his discretion in denying a new trial.

The judgments are therefore affirmed.