



U.S. Department of Justice

*United States Attorney*

*Eastern District of Virginia*

Richard D. Cooke  
Main Street Centre, Suite 1800  
600 E. Main Street  
Richmond, Virginia 23219-2447  
richard.cooke@usdoj.gov

804/819-5471  
Fax 804/771-2316

January 26, 2012

Patricia S. Connor, Clerk  
United States Court of Appeals for the Fourth Circuit  
1100 East Main Street, Suite 501  
Richmond, Virginia 23219-3517

The Honorable Robert E. Payne  
Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse  
701 East Broad Street  
Richmond, Virginia 23219

Re: *United States v. James E. Venable*, no. 11-4216; 3:08-cr-199

Dear Ms. Connor:

I write to apologize for the government’s brief on appeal in *United States v. Venable*. This Court’s opinion criticized that brief as intemperate in footnote 4. It was not my intention to use invective against anyone or impugn the integrity of the district court. Judge Payne is a highly intelligent, well-regarded, and conscientious judge.

The government’s brief was my own work, and the language that the Court criticized is not the responsibility of Brandon M. Santos, then a Special Assistant United States Attorney and now an attorney at McGuireWoods, LLP. Because a reader of the caption to the opinion could draw the conclusion that Mr. Santos was responsible for the government’s brief, I am respectfully requesting that his name be removed from the caption.

Respectfully,

Neil H. MacBride  
United States Attorney

By:                     /s/                      
Richard D. Cooke  
Assistant United States Attorney

cc: Patrick M. Hanes, Esq.  
Joseph R. Pope, Esq.  
Brandon M. Santos, Esq.