

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Criminal Division

DISTRICT OF COLUMBIA
CLERK OF COURT
CRIMINAL BRANCH

UNITED STATES OF AMERICA

2010 MAY -4 P 3:49

FILED

v.

Case No. F-6602-81

Judge Ugast

Closed

DONALD EUGENE GATES

CERTIFICATE OF ACTUAL INNOCENCE

This Court presided over the trial that led to Donald Eugene Gates' convictions, and the proceedings pursuant to the Innocence Protection Act in which he conclusively demonstrated that he was actually innocent of the crimes for which he had been convicted. Accordingly, this Court finds by clear and convincing evidence, and certifies the following facts as true:

1. Catherine Schilling, a Georgetown University student, was raped and murdered in Rock Creek Park on June 22, 1981.

2. On November 10, 1981, Mr. Gates was charged with these crimes. Mr. Gates was prosecuted by the United States and tried before a jury before this Court. On September 16, 1982, the jury returned verdicts of guilty of first-degree felony murder while armed, rape while armed, and carrying a pistol without a license. On November 4, 1982, Mr. Gates was sentenced to twenty years to life in prison.

3. Pursuant to the Innocence Protection Act, D.C. Code § 22-4131 *et seq.*, this Court granted petitioner's application for post-conviction DNA testing of biological evidence collected from the victim's body at the autopsy.



4. That testing conclusively excluded Mr. Gates as the source of the perpetrator's DNA.

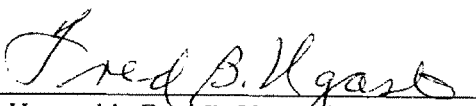
5. On December 15, 2009, Mr. Gates was released from custody by order of this Court.

6. On December 18, 2009, upon the joint motion of Mr. Gates and the United States, this Court vacated Mr. Gates' convictions and dismissed the charges against him with prejudice because the DNA exclusion proved by clear and convincing evidence that he was actually innocent of Ms. Schilling's rape and murder.

7. The United States and Mr. Gates agree that Mr. Gates was incarcerated for twenty-seven (27) years for these offenses.

8. Donald Gates did not commit any of the acts charged, nor did he commit any act, deed or omission in connection with the acts charged that constituted an offense against the United States, or any State, Territory, or the District of Columbia. He is actually innocent.

9. Donald Gates did not by misconduct or neglect cause or bring about his own prosecution or conviction.


The Honorable Fred B. Ugas (Senior Judge)

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