

NO. 11-3853

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

UNITED STATES OF AMERICA,	) Appeal from the United States
	) District Court for the
Plaintiff-Appellee,	) Northern District of Illinois
	) Eastern Division.
vs.	)
	) No. 08 CR 888
ROD BLAGOJEVICH,	)
	) Honorable James B. Zagel
Defendant-Appellant.	) Judge Presiding.

**MOTION TO STAY THE MANDATE PENDING CERTIORARI**

NOW COMES the defendant-appellant, ROD BLAGOJEVICH, by his attorney, and respectfully moves this Honorable Court to enter an order, pursuant to Federal Rule of Appellate Procedure 41(d)(2), staying the issuance of the mandate until final disposition by the Supreme Court. In support of this motion, Defendant-Appellant submits the following:

1. Following two jury trials, Mr. Blagojevich was convicted on 18 counts relating to political corruption and false statements, and was sentenced to fourteen years' incarceration.
2. On appeal, a panel of this Court vacated the convictions on five counts, and remanded to the district court for retrial on the vacated counts or, if the prosecutor elects to drop these charges, for resentencing. The Panel found that Blagojevich is not entitled to be released pending these further proceedings. Slip op., at p. 23.
3. Blagojevich filed a timely Petition for *En Banc* Rehearing, which this Court denied on August 19, 2015.
4. Under Federal Rule of Appellate Procedure 41(d)(2), this Court may stay the mandate pending application to the Supreme Court for a writ of certiorari "which would present a substantial question."

5. Blagojevich intends to file, within ninety days, a Petition for Writ of Certiorari to the Supreme Court of the United States. This Petition will be filed because there is a genuine disagreement as to whether this Court's decision conflicts with the Supreme Court's decision in *McCormick v. United States*, 500 U.S. 257 (1991).

6. Mr. Blagojevich is currently incarcerated at a federal prison camp in Englewood, Colorado, serving his fourteen-year sentence.

WHEREFORE, based on the foregoing, defendant-appellant, Rod Blagojevich respectfully requests that this Honorable Court stay the issuance of the mandate until final disposition by the Supreme Court of Blagojevich's Petition for Writ of Certiorari.

Respectfully submitted,

/s/ Leonard C. Goodman

LEONARD C. GOODMAN

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*Attorney for Defendant-Appellant Rod Blagojevich*

**VERIFICATION**

I, Leonard C. Goodman, an attorney and a member of the bar of this Court, verify that I am the attorney for the appellant in this cause. I have read the foregoing motion and the contents thereof are true and correct.

/s/ Leonard C. Goodman  
LEONARD C. GOODMAN

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August 21, 2015

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 ) Judge Presiding.

CERTIFICATE OF SERVICE

To: Debra Bonamici  
United States Attorney's Office  
219 South Dearborn  
5th floor  
Chicago, Illinois 60604

I hereby certify that on August 21, 2015, I electronically filed the attached Motion to Stay the Mandate Pending Certiorari with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit, by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system

/s/ Leonard C. Goodman  
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