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December 4, 2003

BY HAND

Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543

**Re: Office of Independent Counsel v. Allan J. Favish, et al.,
Case No. 02-954**

Dear Mr. Suter:

The purpose of this letter is to correct inadvertent factual misstatements made in the briefs in this case filed on behalf of respondents Anthony and Moody. These briefs make the statement that the leaked copy of the photograph showing Mr. Foster's hand holding the gun that took his life was a black and white copy. Brief for Respondents Anthony and Moody at pages 4-5, 29 n. 20; Reply Brief for Respondents Anthony and Moody at p. 16 n. 14. That statement was not correct. A copy of the color leaked photograph appears at pages 178 and 179 of Volume I of the Excerpts of Record in the Court of Appeals. Black and white copies appear at pages 199 and 267.

We apologize for the error.

Sincerely,



James Hamilton
Counsel of Record for
Respondents Anthony and Moody

JH/blm

cc: Solicitor General
Alan J. Favish