

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 09-335 (RJL)
	:	
v.	:	
	:	
AMARO GONCALVES, <i>et al.</i> ,	:	
	:	
Defendants.	:	
_____	:	

GOVERNMENT’S MOTION TO DISMISS PURSUANT TO FED. R. CRIM. P. 48(a)

The United States of America, by and through its undersigned attorneys, hereby moves to dismiss with prejudice the Superseding Indictment, and all underlying indictments, against the remaining defendants who are pending trial in the above-captioned case.

The government has carefully considered (1) the outcomes of the first two trials in which, after extensive deliberations, the juries remained hung as to seven defendants and acquitted two defendants, and one defendant was acquitted on the sole charge against him pursuant to Fed. R. Crim. P. 29; (2) the impact of certain evidentiary and other legal rulings in the first two trials and the implications of those rulings for future trials, including with respect to Rule 404(b) and other knowledge and intent evidence the government proposed to introduce; and (3) the substantial governmental resources, as well as judicial, defense, and jury resources, that would be necessary to proceed with another four or more trials, given that the first two trials combined lasted approximately six months. In light of all of the foregoing, the government respectfully submits that continued prosecution of this case is not warranted under the circumstances.

Accordingly, the government moves pursuant to Fed. R. Crim. P. 48(a) to dismiss with prejudice the Superseding Indictment, and all underlying indictments, against the remaining defendants who are pending trial in the above-captioned case.

Respectfully submitted,

DENIS J. McINERNEY
Chief, Fraud Section

RONALD C. MACHEN JR.
United States Attorney
In and For the District of Columbia

By: /s/
LAURA N. PERKINS
D.C. Bar # 479048
JOEY LIPTON
IL Bar # 6225473
Trial Attorneys
Criminal Division, Fraud Section
U.S. Department of Justice
1400 New York Avenue, N.W.
Washington, D.C. 20530
(202) 514-7023

 /s/
MATTHEW C. SOLOMON
NY Bar # 3055209
Assistant United States Attorney
Fraud & Public Corruption Section
United States Attorney's Office
555 4th Street, N.W.
Washington, D.C. 20530
(202) 252-7566