

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**SHELL NIGERIA EXPLORATION
AND PRODUCTION COMPANY LTD.
Defendant.**

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CRIMINAL NO. H-10-767

**UNOPPOSED MOTION TO
DISMISS INFORMATION**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America, by and through undersigned counsel, hereby moves to dismiss the criminal information filed in the above-captioned case against the defendant, SHELL NIGERIA EXPLORATION AND PRODUCTION COMPANY LTD. (“SNEPCO”). As grounds therefore, the government states as follows:

1. On November 4, 2010, the United States filed a criminal information charging SNEPCO with conspiring to violate Foreign Corrupt Practices Act (“FCPA”), in violation of Title 18, United States Code, Section 371, and violating the books and records provisions of the FCPA, in violation of 15 U.S.C. §§ 78m(b)(2)(A), 78m(b)(5), and 78ff(a). Dkt. Entry No. 1.

2. On the same date, the United States entered into a three-year deferred prosecution agreement (“DPA”) with SNEPCO and Royal Dutch Shell plc (“RDS”), SNEPCO’s parent company, which was filed with the Court on November 4, 2013. Dkt. Entry No. 5. Pursuant to the DPA, if SNEPCO and RDS fully complied with all of their obligations under the DPA, the United States would not continue the criminal prosecution

against SNEPCO and would move to dismiss the criminal information upon the expiration of the DPA's three-year term. *Id.* at ¶17.

3. The government has determined that SNEPCO and RDS have fully complied with all of their obligations under the DPA and that dismissal with prejudice of the Information is therefore appropriate pursuant to Paragraph 17 of the DPA.

4. The government has conferred with counsel for SNEPCO and RDS, who concurs that dismissal is appropriate at this time.

WHEREFORE, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court, the United States hereby moves to dismiss with prejudice the criminal information filed in the instant case. A proposed order is attached.

Respectfully submitted,

KENNETH MAGIDSON
United States Attorney

By: s/ Jennifer B. Lowery
Jennifer B. Lowery
Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that on November 20, 2013, I served a copy of the foregoing motion using the CM/ECF system on defense counsel in this matter.

By: s/ Jennifer B. Lowery
Jennifer B. Lowery
Assistant United States Attorney

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PROPOSED ORDER

Presently pending before this Court is the Government's November 19, 2013, Motion to Dismiss the above-captioned case pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure. Having carefully considered this request, it is hereby

ORDERED that the Government's Motion is granted and the criminal information in the above-captioned case is hereby dismissed with prejudice.

Signed on _____, 2013 at Houston, Texas

HONORABLE SIM LAKE
United States District Judge
Southern District of Texas