

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

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. H-09-CR-629
	§	
JOHN JOSEPH O'SHEA,	§	
Defendant.	§	

MOTION TO DISMISS REMAINING COUNTS OF INDICTMENT

On January 16, 2012, the Court issued its judgment of acquittal on the substantive FCPA counts in the Criminal Indictment against the defendant, John Joseph O'Shea.¹ That ruling is not subject to appellate review. In light of the Court's prior statements and rulings, as well as the resulting collateral estoppel issues associated with the Court's judgment of acquittal, the government hereby moves pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure to dismiss the remaining counts of the criminal Indictment against Mr. O'Shea with prejudice. Counsel for the defendant does not oppose the dismissal of the remaining counts. A proposed order is attached.

¹ The Court *sua sponte* severed the three-object conspiracy count, money laundering counts, and obstruction of justice count on September 30, 2010.

Respectfully submitted,

KENNETH MAGIDSON
United States Attorney

DENIS J. McINERNEY
Chief
Criminal Division, Fraud Section

\s\ Charles E. Duross
CHARLES E. DUROSS
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CERTIFICATE OF SERVICE

I, Charles Duross, hereby certify that I have caused a copy of the Motion to Dismiss Remaining Counts of Indictment to be served on all counsel of record on this matter on February 9, 2012.

\s\ Charles E. Duross
CHARLES E. DUROSS
Deputy Chief
Criminal Division, Fraud Section

**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA

v.

JOHN JOSEPH O'SHEA,
Defendant.

§
§
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§
§
§

CRIMINAL NO. H-09-CR-629

ORDER

The Government's Motion to Dismiss Remaining Counts Indictment is
GRANTED.

SIGNED at Houston, Texas, this _____ day of _____,
2012.

LYNN N. HUGHES
United States District Judge