

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

UNITED STATES OF AMERICA

v.

**TIDEWATER MARINE
INTERNATIONAL, INC.,
Defendant**

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CRIMINAL NO. H-10-770

**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, TIDEWATER MARINE INTERNATIONAL, INC. (“TMII”). As grounds therefore, the government states as follows:

1. On November 4, 2010, the United States filed a criminal information charging TMII with conspiring to violate the 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 Title 15, United States Code, Sections 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 TMII and its parent corporation, Tidewater Inc. (“TDW”), which was filed with the Court on November 4, 2013. Dkt. Entry No. 5. Pursuant to the DPA, if TMII and TDW fully complied with all of their obligations under the DPA, the United States would not continue the criminal prosecution against TMII 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 TMII and TDW 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 TMII and TDW, 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,

JEFFREY H. KNOX
Chief, Fraud Section

By: s/ Adam G. Safwat
Adam G. Safwat
Deputy Chief, Fraud Section
Criminal Division
U.S. Department of Justice
950 Constitution Ave., N.W.
Washington, D.C. 20530
(202) 353-8609

CERTIFICATE OF SERVICE

I certify that on November 25, 2013, I served a copy of the foregoing motion using the CM/ECF system on defense counsel in this matter.

By: s/ Adam G. Safwat
Adam G. Safwat
Deputy Chief, Fraud Section
Criminal Division
U.S. Department of Justice

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PROPOSED ORDER

Presently pending before this Court is the Government's November 25, 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 KENNETH M. HOYT
United States District Judge
Southern District of Texas