

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL NO. 14-2783 JB
)	
vs.)	
)	
THOMAS R. RODELLA and)	
THOMAS R. RODELLA, JR,)	
)	
Defendants.)	

UNITED STATES’ UNOPPOSED MOTION TO DISMISS ALL COUNTS OF THE
INDICTMENT AS TO DEFENDANT THOMAS RODELLA, JR. ONLY

The United States moves to dismiss all charges of the Indictment herein only as to the Defendant Thomas Rodella, Jr., for the following reasons:

1. On August 12, 2014, a federal grand jury returned the five-count Indictment filed in this case, charging the Defendants Thomas R. Rodella and Thomas R. Rodella, Jr. (hereinafter “Rodella, Sr.” and “Rodella, Jr.,” respectively) with conspiracy against the exercise of civil rights in violation of 18 U.S.C. § 241, deprivation of rights in violation of 18 U.S.C. §§ 242 and 2, and separate counts of falsification of documents in violation of 18 U.S.C. § 1519. The grand jury further charged Defendant Rodella, Sr. with brandishing a firearm in furtherance of crimes of violence in violation of 18 U.S.C. § 924(c).
2. The grand jury found probable cause to believe that Defendant Rodella, Jr. drove the car that pursued the victim in this case. Furthermore, the grand jury found probable cause to believe that Defendant Rodella Jr. pulled the victim out of his car and restrained him at the instructions of Defendant Rodella, Sr. Based on these and other

factual findings, the grand jury charged Rodella, Sr., as well as Rodella, Jr., with the offenses set out above.

3. Defendants Rodella, Sr. and Rodella, Jr. were arrested upon the charges alleged in the Indictment on August 15, 2014.
4. The indictment and arrest of Defendants Rodella, Sr., and Rodella, Jr., were fully supported by probable cause.
5. Defendants Rodella, Sr., and Rodella, Jr., had their initial appearances before a judicial officer, their detention hearings, and their arraignments, all on August 15, 2014.
6. In the course of the detention hearing as to Defendant Rodella, Jr., the United States was provided information suggesting that the Defendant Rodella, Jr. may have certain medical conditions that could negatively affect his cognitive abilities.
7. The United States subsequently obtained medical records of Defendant Rodella, Jr. to ascertain the extent of the medical condition and the medications prescribed for said condition.
8. Based on its review of these records, the United States has concluded that there is a question as to whether the defendant was capable of forming the level of specific intent that is an element of 18 U.S.C. §§241 and 242.
9. In the interest of the defendant's privacy, the United States will not provide additional details regarding the diagnosis, medical observations and prescribed medications in this motion. However, should the Court deem it necessary, the medical records are available for its *in camera* review.
10. Defendant Rodella, Jr., through his counsel, does not oppose this motion.

WHEREFORE, the United States moves that the Court dismiss all charges of the Indictment only as to the Defendant Thomas R. Rodella, Jr.

Respectfully submitted,

DAMON P. MARTINEZ
United States Attorney

/s/ Filed Electronically

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I HEREBY CERTIFY that on August 27, 2014, I filed the foregoing electronically through the CM/ECF system, which caused the below counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

Robert J. Gorence, Attorney for Thomas R. Rodella
Jason Bowles, Attorney for Thomas R. Rodella, Jr.

/s/ Filed Electronically

Tara C. Neda, Assistant U.S. Attorney