

Amy Baggio, OSB #011920  
amy@baggiolaw.com  
Baggio Law  
621 SW Morrison, Suite 1025  
Portland, OR 97205  
Tel: (503) 222-9830  
Fax: (503) 274-8575

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

No. 3:16-cr-00051-BR-03

Plaintiff,

v.

JOSEPH O'SHAUGHNESSY,

Defendant.

DEFENDANT'S MOTION TO  
DISMISS COUNT 1 AS  
UNCONSTITUTIONALLY VAGUE  
ON ITS FACE AND AS-APPLIED

*ORAL ARGUMENT REQUESTED*

Defendant Joseph O'Shaughnessy, through counsel Amy Baggio, moves the Court for an Order dismissing Count 1 as unconstitutionally vague, on its face and as-applied to the defendants, in violation of the Due Process Clause of the Fifth Amendment. This motion relies on, and incorporates by reference, the authorities and arguments set forth in the Memorandum In Support Of Motion To Dismiss Count 1 As Unconstitutionally Vague On Its Face And As-Applied, filed herewith.

**Certificate of Conferral**

On Monday, April 25, 2016, I conferred in real time with AUSA Ethan Knight about the issues raised in this motion. AUSA Knight responded on April 26, 2016, to report that the government objects to both the motion and the relief sought.

Respectfully submitted on April 27, 2016.

/s/ Amy Baggio  
Amy Baggio, OSB #011920  
503-222-9830  
Attorney for Defendant O'Shaughnessy