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7 *Representing the United States*

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 DAVE H. BUNDY,
 14 MEL D. BUNDY,
 JOSEPH D. O'SHAUGHNESSY, and
 15 JASON D. WOODS,

16 Defendants.

2:16-CR-00046-GMN-PAL

**GOVERNMENT'S MOTION TO
 DISMISS SUPERSEDING
 INDICTMENT WITH PREJUDICE**

17 **CERTIFICATION: This Motion is timely filed.**

18 The United States, by and through the undersigned, respectfully seeks leave
 19 under Fed. R. Crim. P. 48(a) to dismiss with prejudice all counts in the Superseding
 20 Indictment as to each of the above-named defendants.
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22 The Superseding Indictment in this case was returned on March 2, 2016,
 23 against nineteen defendants. The defendants were subsequently severed into three
 24

1 groups for separate trials, the defendants named herein comprising the third group,
2 their trial being set to commence on February 26, 2018.

3 During the trial of the second group, and on January 8, 2018, the Court
4 declared a mistrial and entered an Order dismissing the Superseding Indictment
5 against the second group of defendants with prejudice. The government has since
6 filed a Motion in that case, asking the Court to reconsider its dismissal Order for
7 the reasons set forth in the Motion.

8 In light of the Court's dismissal Order and the pendency of the government's
9 Motion for Reconsideration, the government believes that, under these
10 circumstances and in the interests of justice, it is appropriate to move to dismiss
11 the Superseding Indictment against the third group of defendants named herein
12 with prejudice.

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1 **WHEREFORE**, for all the foregoing reasons, the government respectfully
2 requests that the Court grant the government’s Motion to Dismiss and enter an
3 Order dismissing all counts in the Superseding Indictment with prejudice as to
4 defendants Dave Bundy, Mel Bundy, Joseph O’Shaughnessy, and Jason D. Woods
5 and vacating the current trial setting of February 26, 2018.

6 **DATED** this 7th day of February, 2018.

7
8 Respectfully,

9 DAYLE ELIESON
10 United States Attorney

11 */s/ Daniel R. Schiess*

12 _____
13 STEVEN W. MYHRE
14 DANIEL R. SCHIESS
15 NADIA J. AHMED
16 Assistant United States Attorneys

17 *Attorneys for the United States*
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CERTIFICATE OF SERVICE

I certify that I am an employee of the United States Attorney's Office. A copy of the foregoing **MOTION TO DISMISS INDICTMENT WITH PREJUDICE** was served upon counsel of record, via Electronic Case Filing (ECF).

DATED this 7th day of February, 2018.

/s/Daniel R. Schiess

DANIEL R. SCHIESS
Assistant United States Attorney