

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
 Plaintiff,) CRIMINAL NO. 15-mj-02428
)
 vs.)
)
 ANTONIO VALDEZ,)
)
 Defendant.)

MOTION TO DISMISS COMPLAINT

The United States of America, by and through Sarah Mease, Assistant United States Attorney, hereby moves the court for an order dismissing the Complaint in Cr. No. 15-mj-02428 (Doc. 1), and as grounds therefore states as follows:

1. Defendant is currently charged by a Complaint filed on July 10, 2015, with violations of 18 U.S.C. §§ 1152 and 3: Accessory After the Fact. (Doc. 1.)
2. The Defendant has filed two separate waivers of grand jury presentment (Docs. 13 and 14), with the most recent filing requesting an additional 60-day waiver expiring on December 16, 2015 (Doc. 14).
3. Additional investigation indicates that there is insufficient evidence to proceed at this time.
4. Accordingly, in the interest of justice, the United States will not proceed with its prosecution and requests that this matter be dismissed without prejudice.
5. Counsel for the defendant, Daniel Marlowe, has been contacted and concurs with this motion.

WHEREFORE, the United States requests that this motion be granted and that the Court enter an order dismissing the Complaint without prejudice.

Respectfully submitted,

DAMON P. MARTINEZ
United States Attorney

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I hereby certify that on October 23, 2015, I filed the foregoing electronically through the CM/ECF system, which caused counsel for the defendant to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/
SARAH J. MEASE
Assistant United States Attorney