

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

DARRELL READ,
DANIEL WILKINSON, and
COLIN GOODMAN

Defendants.

DOC # _____

**MOTION TO DISMISS
COMPLAINT**

Case No. 13 MAG 2224

Pursuant to Federal Rule of Criminal Procedure 48(a), the United States moves to dismiss the complaint against Defendants Read, Wilkinson, and Goodman without prejudice.¹ *See United States v. Ortega-Alvarez*, 506 F.2d 455, 458 (2d Cir. 1974) (holding dismissal under Rule 48(a) is generally without prejudice); *United States v. Doody*, 01 Cr. 1059 (SAS), 2002 U.S. Dist. LEXIS 6523, *7 (S.D.N.Y. Apr. 16, 2002) (holding that “[c]ourts dismiss cases under Rule 48(a) with prejudice or deny such motions only where the prosecutor acted in bad faith”) (internal quotation and citations omitted).

The United States moves to dismiss the complaint because of the final adjudication of the case against these defendants for the same underlying conduct in the United Kingdom. *See R. v. Read et al.*, Case Nos. T20137369/70, T20147183/556 (Southwark Crown Court).

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¹ The United States normally would have sought the defendants’ consent, but no defendant’s counsel has appeared in this case.

DATED: June 29, 2016

ANDREW WEISSMANN
Chief, Fraud Section


THOMAS B.W. HALL
Assistant Chief

Application granted.

SO ORDERED:


Hon. James L. Cott
United States Magistrate Judge

6/30/16

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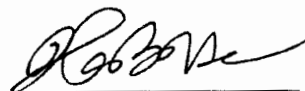
Defendants.

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CERTIFICATE OF SERVICE

I certify that on this 29th day of June, 2016, I caused to be sent, via hand delivery, a copy of the foregoing **MOTION TO DISMISS** to the following:

Clerk of Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007



THOMAS B.W. HALL
Assistant Chief