

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA           §  
  
                  vs.                           §       **CRIMINAL NO. B-14-876-01**  
  
KEVIN LYNDEL MASSEY               §

**MOTION TO DISMISS COUNTS ONE & FOUR OF INDICTMENT**

The United States of America, through its United States Attorney KENNETH MAGIDSON, files this motion pursuant to Rule 48(a), Federal Rules of Criminal Procedure, to dismiss Counts One and Four of the Indictment in the above-styled and numbered cause as to defendant, **KEVIN LYNDEL MASSEY**. The defendant was found guilty and convicted on Counts Two and Three of the Indictment on September 30, 2015. Pursuant to U.S. Berry, 977 F.2d 915 (5<sup>th</sup> Cir., 1992), the United States requests the Court grant this motion and dismiss Counts One and Four of the Indictment against the above-named defendant.

Respectfully submitted,

KENNETH MAGIDSON  
UNITED STATES ATTORNEY

***s/ William Hagen*** \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I, hereby certify that on **January 13, 2016**, a copy of this Motion to Dismiss Counts One and Four of the Indictment was sent to defense counsel, Louis Sorola, via Notification of Electronic filing.

***s/ William Hagen*** \_\_\_\_\_  
WILLIAM HAGEN  
Assistant United States Attorney

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**ORDER**

Upon consideration of the Government's Motion to Dismiss Counts One and Four of the Indictment, it is hereby ordered that Counts One and Four of the Indictment in the above-styled and numbered cause be dismissed as to defendant, **Kevin Lyndel Massey**. The defendant was found guilty and convicted on Counts Two and Three of the Indictment on September 30, 2015.

**IT IS ORDERED** that Counts One and Four of the Indictment be Dismissed as to defendant, **Kevin Lyndel Massey**.

SIGNED on this \_\_\_\_\_ day of JANUARY, 2016.

\_\_\_\_\_  
ANDREW S. HANEN  
United States District Judge