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Of Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID LEE FRY,

Defendant.

Case No. 3:16-CR-00051-13-BR

DEFENDANT'S MOTION TO DISMISS
COUNT 3 OF THE SUPERSEDING
INDICTMENT

Certification of Conferral: Counsel for defendant David Lee Fry certifies that he has conferred with the government regarding this motion pursuant to the court's orders. The government opposes the motion.

Defendant, David Lee Fry, through his attorney, Per C. Olson, and on behalf of defendants similarly charged, hereby moves to Dismiss Count 3 of the Superseding Indictment on the ground that it fails to allege an offense. Fed. R. Crim. P.

12(b)(3)(B)(v).

This motion is joined by all defendants named in Count 3, listed as follows:

Ammon Bundy

Jon Ritzheimer

Ryan Payne

Ryan Bundy

Brian Cavalier

Jason Patrick

Sean Anderson

David Lee Fry

Corey Lequieu

In support of this Motion, defendants rely upon the Memorandum in Support of Defendant's Motion to Dismiss Count 3 of the Superseding Indictment, filed today.

DATED this 27th day of April, 2016.

/s Per C. Olson

Per C. Olson, OSB 933863

Attorney for Defendant David Fry