

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

MICHAEL SPARKS,

Defendant.

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Case No: 21-CR-087(1) (TJK)

**MOTION TO DISMISS COUNT ONE
OF SECOND SUPERSEDING INDICTMENT**

The United States of America, by and through undersigned counsel, respectfully moves this Court, pursuant to Federal Rule of Criminal Procedure 48(a), to dismiss Count One of the Second Superseding Indictment, charging the defendant with Obstruction of an Official Proceeding in violation of 18 U.S.C. § 1512(c)(2). The government makes this motion in the interest of justice and in order to clarify and simplify the issues to be resolved at the sentencing hearing, which is scheduled for August 27, 2024.

The defendant has indicated that he may nevertheless seek to continue the sentencing hearing. The government is opposed to any further continuance of the sentencing hearing. With nearly one month to prepare any change in the guidelines analysis, the parties will have sufficient time to prepare their sentencing arguments. The analysis of the Sentencing Guidelines, including the grouping analysis for multiple counts, will only be simplified without a conviction on Count One. The nature of the conduct has not changed, and the arguments the parties will raise under 18 U.S.C. § 3553(a) remain the same. In the interests of justice, to bring finality to a case that has been pending since January 2021, and for which the sentencing has already been

continued once before, the government submits that the sentencing hearing should proceed as scheduled on August 27, 2024.

Respectfully submitted,

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