

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

*

CRIMINAL NO. LKG-25-6

*

THOMAS C. GOLDSTEIN,

*

Defendant

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**GOVERNMENT'S MOTION TO DISMISS COUNTS TWO THROUGH SIX
AND FIFTEEN OF THE SECOND SUPERSEDING INDICTMENT**

With an eye towards streamlining its case-in-chief and limiting the overall length of trial, the government moves to dismiss with prejudice Counts Two through Four (tax evasion for calendar years 2017, 2018, and 2021), Counts Five and Six, (aiding and assisting the preparation of false tax returns for calendar year 2016), and Count Fifteen (failure to timely pay taxes for calendar year 2016) of the Second Superseding Indictment under Fed. R. Crim. P. 48(a).

Insomuch as the government is attempting to tailor the issues for trial to the evidence the United States expects to present, the government is exercising its prosecutorial discretion in good faith. *United States v. Perate*, 719 F.2d 706, 710 (4th Cir. 1983) (holding that the Court “must grant the motion absent a finding of bad faith or disservice to the public interest.” (citing *Rinaldi v. United States*, 434 U.S. 22, 30, (1977) (per curiam)); *Fowlkes v. United States*, Civil Action No. CCB-14-1700, 2016 U.S. Dist. LEXIS 156939, at *8 (D. Md. Nov. 14, 2016). The United States moves to dismiss Counts Two through Six and Fifteen *with prejudice* to allay any concern that the defendant will suffer any prejudice because of this motion. *Fowlkes*, 2016 U.S. Dist. LEXIS 156939, at *10 (the “potential harassment relates to prosecutors dismissing and reindicting on the

same or similar charges") (citing *United States v. Hayden*, 860 F.2d 1483, 1487 (9th Cir. 1988)).

In connection with the dismissal of Counts Two through Six and Fifteen, the government has re-numbered the remaining counts to maintain sequential numbers and avoid juror confusion. The United States submits with this motion a proposed redacted and renumbered Second Superseding Indictment for the Court's consideration.

Respectfully submitted,

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