

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 05-20770-CR-COOKE

UNITED STATES OF AMERICA

vs.

BENEDICT P. KUEHNE and  
OSCAR SALDARRIAGA OCHOA,

Defendants.

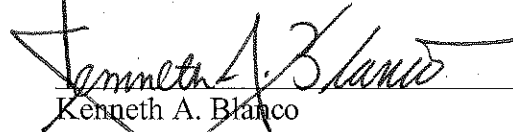
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GOVERNMENT'S MOTION TO DISMISS THIRD  
SUPERSEDING INDICTMENT WITH PREJUDICE

**COMES NOW** the United States of America, by and through Kenneth A. Blanco, Deputy Assistant Attorney General, and moves this Court for leave pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure to dismiss, with prejudice, the Third Superseding Indictment and its accompanying criminal forfeiture allegation as to defendants Benedict P. Kuehne and Oscar Saldarriaga Ochoa. This motion is based upon the totality of the circumstances surrounding this matter, including the changed circumstances occasioned by the affirmance of this Court's dismissal of Count One of the Third Superseding Indictment. The Government believes that dismissal is in the interests of justice.

WHEREFORE, the United States respectfully requests that this Court dismiss the  
Third Superseding Indictment with prejudice.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kenneth A. Blanco", is written over a horizontal line. A vertical line descends from the top of the signature area, and a diagonal line crosses through the signature from the top-left to the bottom-right.

Kenneth A. Blanco

Deputy Assistant Attorney General

Florida Bar Number: 831026

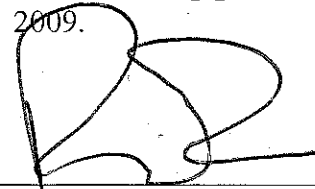
U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Certificate of Service

I hereby certify that a copy of the foregoing was served via the electronic filing generated by CM/ECF upon all counsel of record this 25<sup>th</sup> day of November 2009.



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\_\_\_\_\_ /

**ORDER DISMISSING THIRD SUPERSEDING INDICTMENT**

Upon consideration of the Government's Motion to Dismiss, it is hereby

**ORDERED AND ADJUDGED** that the Government's Motion to Dismiss the Third  
Superseding Indictment With Prejudice as to defendants Benedict P. Kuehne and Oscar  
Saldarriaga Ochoa is

**GRANTED;** and it is

**FURTHER ORDERED** that all pending matters in this case are now declared dismissed.

**DONE AND ORDERED** in Chambers at the United States District Courthouse in  
Miami-Dade County, Florida this \_\_\_\_\_ day of November 2009.

\_\_\_\_\_  
MARCIA G. COOKE  
United States District Judge