

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:08-cr-119

vs.

Hon. Janet T. Neff

TARLOCHAN SINGH GURON,

Defendant.
_____ /

GOVERNMENT'S RESPONSE TO
DEFENDANT'S MOTION FOR NEW TRIAL

On April 15, 2009, Defendant Tarlochan Singh Guron, filed a motion for new trial. A preliminary inquiry has indicated that the Government was in possession of information which may have corroborated the claim of this Defendant that he presented at trial, that he himself provided the information which led to his arrest and this Indictment. In the interest of justice, the Government concurs in the Defendant's request and further states that, should the Court grant his motion, the Government will thereafter move to dismiss the Indictment against Tarlochan Singh Guron only. Furthermore, an investigation of Defendant's allegations has been initiated.

Respectfully submitted,

D. A. Davis

Dated: 5-22-09

DONALD A. DAVIS
United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

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vs.

Hon. Janet T. Neff

TARLOCHAN SINGH GURON,

Defendant.

_____ /

MOTION TO DISMISS INDICTMENT

Now comes the United States of America, by and through Donald A. Davis, United States Attorney for the Western District of Michigan, and pursuant to Federal Rule of Criminal Procedure 48(a), hereby moves to dismiss the indictment in this case as to defendant, Tarlochan Singh Guron, only, for the reasons stated in the Government's response to Defendant's Motion for New Trial.

Respectfully submitted,

Dated: May 26, 2009

/s/ Donald A. Davis

DONALD A. DAVIS
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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UNITED STATES OF AMERICA,

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Case No. 1:08-cr-119

v

HON. JANET T. NEFF

TARLOCHAN SINGH GURON,

Defendant.

ORDER

Pending before the Court is the government's Motion to Dismiss the Indictment as to Tarlochan Singh Guron "for the reasons stated in the Government's response to Defendant's Motion for New Trial" (Dkt 196). Defendant Guron concurs in the Motion to Dismiss the Indictment against him (Dkt 241).

The government's motion is brought pursuant to FED. R. CRIM. P. 48(a), which provides that "[t]he government may, with leave of court, dismiss an indictment, information, or complaint." Under Rule 48(a), courts must grant prosecutors leave to dismiss charges unless dismissal is "clearly contrary to manifest public interest." *Rinaldi v. United States*, 434 U.S. 22, 30 n.15 (1977). Rule 48(a) vests courts only with limited supervisory power of prosecutorial charging decisions. *United States v. Stapleton*, 297 Fed. Appx. 413, 431, 2008 WL 4613579, *15 (6th Cir. Oct. 15, 2008); *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995).

In its response to defendant Guron's Motion for New Trial, the government represented that a preliminary inquiry indicated that the government was in possession of information that may have

corroborated the claim this defendant presented at trial. The motion to dismiss is, therefore, not prompted by any consideration contrary to the public interest. Accordingly,

IT IS HEREBY ORDERED that the Motion to Dismiss the Indictment as to Tarlochan Singh Guron (Dkt 240) is GRANTED, and the Indictment against this defendant is DISMISSED.

IT IS FURTHER ORDERED that defendant Tarlochan Singh Guron be released from custody without undue delay.

Date: May 27, 2009.

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge