

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 v.) No. 09-00157-08-CR-W-SOW
)
BLAKE FOLSOM,)
)
 Defendant.)

MOTION TO DISMISS COUNT ONE
OF INDICTMENT AND SUPPORTING SUGGESTIONS

The United States of America, by the United States Attorney for the Western District of Missouri, moves this Court to dismiss Count One of the Indictment in the above-captioned case on the grounds that the defendant has pled guilty and been sentenced on Counts Two and Three of the Indictment, as more fully explained below:

1. The Defendant, Blake Folsom, was charged in a three Count Indictment returned on May 19, 2009 with violation of 21 U.S.C. §§ 841(a)(1)(b)(1)(A) and 846, a Class A Felony (Count One); violation of 21 U.S.C. §§ 841(c)(1) and (2) and 846, a Class C Felony (Count Two); and violation of 21 U.S.C. §§ 841(c)(1) , a Class C Felony (Count Three).

2. On January 20, 2010, defendant entered a guilty plea to Counts Two and Three of the indictment before District Judge Scott O. Wright.

3. On October 19, 2010, defendant was sentenced by District Judge Wright under Counts Two and Three of the Indictment.

4. Under the Plea Agreement filed with the court, the Government agreed to move to dismiss Count One.

The United States therefore moves to dismiss Count One of the Indictment.

Respectfully submitted,

Beth Phillips
United States Attorney

By */s/ Bruce Rhoades*

Bruce Rhoades, #88156 (AR)
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 E. 9th Street, Fifth Floor
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on April 13, 2011, to the Electronic Filing System (CM/ECF) of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

John Osgood
740 NW Blue Parkway
Suite 305
Lee's Summit, MO 64086

/s/ Bruce Rhoades

Bruce Rhoades
Assistant United States Attorney

BR:jf