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

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 09-00157-09-CR-W-SOW
	)	
HARLEY WILLIAM HARVEY, JR.,	)	
	)	
Defendant.	)	

MOTION TO DISMISS COUNT TWO
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 Two of the Indictment in the above-captioned case

on the grounds that the defendant has pled guilty and been sentenced on Count One of the

Indictment, as more fully explained below:

1.   The Defendant, Harley William Harvey, Jr., was charged in two counts of 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) and violation of 21 U.S.C. §§ 841(c)(1) and (2) and 846,

a Class C Felony (Count Two).

2.   On December 1, 2009, defendant entered a guilty plea to Count One of the

indictment before District Judge Scott O. Wright.

3.   On September 7, 2010, defendant was sentenced by District Judge Scott O.

Wright under Count One of the Indictment.

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

dismiss Count Two.

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

Respectfully submitted,

Beth Phillips
United States Attorney

By   */s/ Bruce Rhoades*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on September 20, 2010, 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.

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/s/ Bruce Rhoades

Bruce Rhoades
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2