

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 10-27-22

UNITED STATES OF AMERICA,

v.

TOM ALEXANDER WILLIAM HAYES,
and
ROGER DARIN,

Defendants.

Case No. 17 CR 750

MOTION TO DISMISS INDICTMENT

The United States of America, by and through its attorneys, Glenn S. Leon, Chief of the Fraud Section of the Criminal Division of the United States Department of Justice and Trial Attorney Vasanth Sridharan, respectfully move for an order dismissing, with prejudice, the Indictment as to defendants Tom Alexander William Hayes and Roger Darin, under Rule 48(a) of the Federal Rules of Criminal Procedure. Among other considerations, the Second Circuit's reversal of the convictions in *United States v. Connolly*, 24 F.4th 821 (2d Cir. 2022) implicates the theory charged in this case and the government's ability to prove its case. Accordingly, the government submits that dismissal with prejudice serves the interest of justice. The government has also conferred with counsel for the defendants, both of whom consent to dismissal of this case with prejudice.

Date: September 15, 2022

Respectfully submitted,

GLENN S. LEON
Chief, Fraud Section
Criminal Division
U.S. Department of Justice

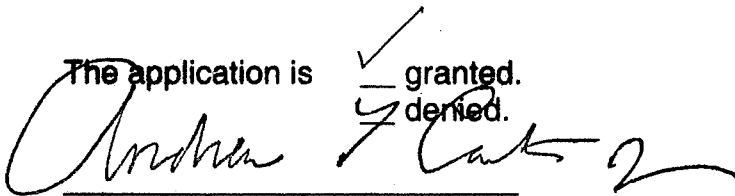
/s/ _____
VASANTH SRIDHARAN
Trial Attorney
Criminal Division, Fraud Section
United States Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2022, I electronically filed the foregoing Motion with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ _____
VASANTH SRIDHARAN
Trial Attorney
Criminal Division, Fraud Section
United States Department of Justice

The application is granted.
 denied.



Andrew L. Carter Jr, U.S.D.J.

Dated: October 27, 2022
NY, New York