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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF ARIZONA

9  
10 United States of America,  
11 Plaintiff,  
12 v.  
13 Abdullatif Ali Aldosary,  
14 Defendant.

CR-12-02042-PHX-SRB  
**GOVERNMENT'S MOTION  
TO DISMISS WITHOUT  
PREJUDICE**

15 The United States, by and through undersigned counsel, requests that the Court enter an  
16 order dismissing Counts 1 and 5 of the Superseding Indictment, in the above-captioned matter,  
17 without prejudice for the reasons set forth in this motion.

18 Excludable delay under 18 U.S.C. § 3161(h) may occur as a result of this motion or an  
19 order based thereon.

20 Respectfully submitted this 12th day of June, 2013.

21 JOHN S. LEONARDO  
United States Attorney  
District of Arizona

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23 */s/ David A. Pimsner*  
DAVID A. PIMSNER  
24 RAYMOND K. WOO  
Assistant United States Attorneys  
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 On November 30, 2012, an explosive device was detonated near the rear entrance of the  
3 United States Social Security Administration building (hereinafter "SSA") in Casa Grande,  
4 Arizona. The explosion damaged the building and caused a fire to spread into the interior of  
5 the building. Federal and local authorities conducted an investigation and identified the  
6 defendant Abdullatif Ali Aldosary as the person who was responsible for the explosion.

7 The defendant was charged by complaint in Case No. 12-7662 M with Malicious Damage  
8 to Federal Property by Means of Fire and Explosives and Felon in Possession of a Firearm. On  
9 December 5, 2012, the Grand Jury returned an Indictment for the same charges. Subsequently,  
10 on April 24, 2013, the Grand Jury returned a Superseding Indictment which added two additional  
11 counts of Felon in Possession of a Firearm and Attempted Interference with the Administration  
12 of the Social Security Administration.

13 On or about June 11, 2013, the United States Attorney's Office learned that the Pinal  
14 County Attorney's Office was intending to charge the defendant for Arson of an Occupied  
15 Structure based on the same conduct which supports Counts 1 and 5 of the Superseding  
16 Indictment. On June 17, 2013, the United States Attorney's Office informed the defense that  
17 Pinal County intends to bring an arson charge, and that this new development may impact  
18 whether the government pursues some or all of its charges at trial. On July 11, 2013, the United  
19 States Attorney's Office learned that the defendant had been indicted in Pinal County on July  
20 10, 2013, for Arson of an Occupied Structure and related charges. The United States Attorney's  
21 Office is also aware that the defendant is the primary suspect in a homicide which occurred in  
22 Pinal County.

23 The United States Attorney's Office is subject to the Department of Justice "Petite  
24 Policy" which establishes guidelines for the exercise of discretion by officers of the Department  
25 of Justice in determining whether to bring a federal prosecution based on substantially the same  
26 acts or transactions involved in a prior state or federal proceeding. Although the recent State  
27 charges do not technically violate the "Petite Policy," the government does not want to subject  
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1 the defendant to dual or successive prosecutions for the same conduct. For that reason, the  
2 government wishes to exercise its prosecutorial discretion to move to dismiss without prejudice  
3 Counts 1 and 5 of the Superseding Indictment. The government intends to continue the  
4 prosecution as it relates to Counts 2 through 4 involving Felon in Possession of a Firearm.  
5 Accordingly, the United States requests that the Court enter an order dismissing Counts 1 and  
6 5 of the Superseding Indictment, in the above-captioned matter, without prejudice.

7 The government has contacted Susan Anderson, the defendant's counsel, and she does not  
8 object to the government's motion.

9 Respectfully submitted this 12<sup>th</sup> day of June, 2013.

10 JOHN S. LEONARDO  
11 United States Attorney  
12 District of Arizona

13 */s/ David A. Pimsner*  
14 DAVID A. PIMSNER  
15 RAYMOND K. WOO  
16 Assistant United States Attorneys

17 Certificate of Service

18 I hereby certify that on June 12, 2013,  
19 I electronically transmitted the attached  
20 document to the Clerk's Office using the  
21 CM/ECF system for filing and  
22 transmittal of a Notice of Electronic Filing  
23 to the following CM/ECF registrants:

24 Susan E. Anderson  
25 Gerald A. Williams - Attorneys for Defendant

26 DAP/ceb  
27  
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