

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION - FELONY BRANCH**

UNITED STATES OF AMERICA	:	Criminal Case Nos. 2017 CF2 1296
	:	2017 CF2 1335
v.	:	
	:	
MALLY ESPAILLAT,	:	Chief Judge Robert Morin
EDWARD BICKARD,	:	
	:	Espaillat Trial Readiness: June 15, 2018
	:	Bickard Status Hearing: June 15, 2018
	:	

NOTICE OF DISMISSAL WITH PREJUDICE

1. The United States hereby notifies the Court and the above-captioned defendants of the government's motion to dismiss with prejudice the remaining counts in the Indictment and the counts in the joined Information in the above-captioned cases.
2. On May 31, 2018, over the government's objection, Chief Judge Robert Morin dismissed with prejudice the charge of Conspiracy to Riot (Count Three) as to several defendants in the May 29, 2018 trial group, and ruled that the government could not rely upon a Pinkerton theory for any of the remaining charges. The government has been assessing its options with respect to this ruling, and expects to file shortly a motion to reconsider the Court's dismissal order and its finding that the government made a misrepresentation with respect to certain videos. The government believes that a full review of the record will likely impact the Court's prior finding.
3. The applicability of the Court's May 31, 2018 ruling to the charges against the above-captioned defendants is the subject of a pending motion filed by at least some of the defendants in Defendant Espailat's trial group. In addition, although Defendant Bickard's matter is only set for a status hearing, the government believes the Court's ruling similarly

impacts the government's case against Mr. Bickard. As such, the government's motion to reconsider should be resolved in advance of any trial. The government also acknowledges that the above-captioned defendants have been preparing for trial, Defendant Bickard called ready for trial prior to being severed from the May 14, 2018 trial group and Defendant Espaillat would like to proceed with trial on June 25, 2018. The government submits that a dismissal with prejudice of these remaining counts against the above-captioned defendants is appropriate.

Respectfully Submitted,

JESSIE K. LIU
UNITED STATES ATTORNEY

/s/ Jennifer A. Kerkhof
JENNIFER A. KERKHOF
Assistant United States Attorney

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was served by electronic mail on the defendants' attorneys on this 13th day of June, 2018.

/s/ Jennifer A. Kerkhoff
JENNIFER A. KERKHOFF
Assistant United States Attorney