

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	3:07-CR-3
)	(Judges Varlan/Guyton)
LEMARICUS DEVALL DAVIDSON,)	
also known as "Slim,")	
LETALVIS DARNELL DAVIDSON,)	
also known as Letalvis Cobbins,)	
also known as "Rome,")	
ERIC DEWAYNE BOYD,)	
also known as "E," and)	
GEORGE GEOVONNI THOMAS,)	
also known as "G,")	
also known as "Detroit,")	
)	
Defendants.)	

MOTION TO DISMISS

The United States of America, by James R. Dedrick, United States Attorney for the Eastern District of Tennessee, pursuant to 48(a) of the Federal Rules of Criminal Procedure, hereby moves to dismiss, without prejudice, Counts One through Five and Count Seven of the Indictment in the above-styled case. Should the Court grant this motion, there will remain only Count Six charging defendant Eric Dewayne Boyd, also known as "E," with an offense against the United States. In support thereof, the United States states as follows.

1. The Indictment in this case was returned on January 17, 2007. On January 31, 2007, a grand jury for Knox County, Tennessee, returned a forty-six (46) count Presentment against four defendants, three of whom are named defendants in this Indictment. A copy of this Presentment is part of the record in this case, it having been filed as an exhibit to a motion by the

United States to extend the discovery deadline (Doc. 42). The three defendants in this Indictment who are also named as defendants in the aforesaid Presentment are Lemaricus Devall Davidson, Letalvis Darnell Davidson, also known as “Letalvis Cobbins,” and George Geovonni Thomas.

2. The United States Attorney has considered the allegations contained in the State Presentment and has conferred with Knox County District Attorney General Randall E. Nichols. After careful deliberation, the United States Attorney has determined that the United States should defer to the State of Tennessee in the prosecution of the very serious crimes alleged to have been committed by the aforesaid three defendants.

WHEREFORE, the United States hereby moves to dismiss, without prejudice, Counts One through Five and Count Seven of this Indictment, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure.

Respectfully submitted this 7th day of February, 2007.

JAMES R. DEDRICK
United States Attorney

By: s/ David C. Jennings
DAVID C. JENNINGS
Assistant United States Attorney

s/ Tracy L. Stone
TRACY L. STONE
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2007, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ David C. Jennings
David C. Jennings
Assistant United States Attorney

s/ Tracy L. Stone
Tracy L. Stone
Assistant United States Attorney