

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

LODGED

JUL 20 2012

FLORENCE T. NAKAKUNI #2286
United States Attorney
District of Hawaii

JUL 20 2012
at 11 o'clock and 10 min. A.M.
SUE BEITIA, CLERK

CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

ROBERT J. MOOSSY, JR.
Acting Section Chief
DANIEL H. WEISS
Trial Attorney
Criminal Section, Civil Rights Division
601 D Street, NW
Washington, DC 20530
Telephone: (202) 616-6594
Facsimile: (202) 616-0372
Email: Daniel.Weiss@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA)	CR. NO. 10-00576 SOM
Plaintiff,)	
)	
v.)	
)	ORDER FOR DISMISSAL
MORDECHAI YOSEF ORIAN (01))	
aka "MOTTY,")	
PRANEE TUBCHUMPOL (02))	
aka "SOM,")	
RATAWAN CHUNHARUTAI, (05))	
PODJANEE SINCHAI, (06))	
JOSEPH KNOLLER, (08))	
)	
Defendants.)	
)	

ORDER FOR DISMISSAL

Pursuant to Federal Rule of Criminal Procedure 48(a)
and by leave of court endorsed hereon, the United States

Attorney for the District of Hawaii hereby dismisses the Indictment and First Superseding Indictment against Defendants Moredechai Yosef Orian, Pranee Tubchumpol, Ratawan Chunharuntai, Podjaneer Sinchai and Joseph Knoller on the grounds that:

In October 2011, in light of the dismissal of United States v. Sou, 1:09-cr-00345-SOM, the undersigned counsel reviewed the evidence and conducted an additional investigation in United States v. Orian, et. al.

Based on this further investigation, the government has determined that dismissal of this matter is in the interest of justice, because the government is unable to prove the elements of the charged offenses beyond a reasonable doubt.

Based on the current state of the available, admissible evidence, the United States has determined that it is not reasonably likely to prevail in proving the elements of the charged offenses and that proceeding with the prosecution no longer serves the public interest. See United States v. Gonzalez, 58 F.3d 459 (9th Cir. 1995) (government's motion to dismiss should be granted unless "clearly contrary to the manifest public interest.").

//

//

//

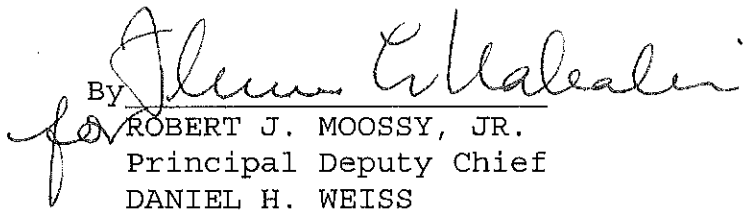
//

The government therefore respectfully seeks leave of the Court to dismiss the charges contained in the Indictment and First Superseding Indictment with prejudice.

DATED: July 20, 2012, at Honolulu, Hawaii.

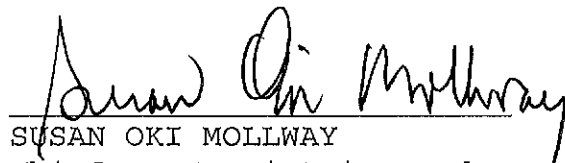
Respectfully submitted,

FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii

By 
for ROBERT J. MOOSSY, JR.
Principal Deputy Chief
DANIEL H. WEISS
Trial Attorney

Leave of court is granted for the filing of the foregoing dismissal.

DATED: July 20, 2012, at Honolulu, Hawaii.


SUSAN OKI MOLLWAY
Chief, U.S. District Judge

UNITED STATES v. MORDECHAI YOSEF ORIAN, ET AL.
Cr. No. 10-00576 SOM
"Order for Dismissal"