IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
VS.) CASE NO. 2:10cr00186-MHT-WC
)
JOSEPH R. CROSBY)

DEFENDANT JOSEPH R. CROSBY'S MOTION TO DISMISS BASED UPON GRAND JURY INSTRUCTIONS

Defendant Joseph R. Crosby, by and through counsel, moves that the indictment against him be dismissed based upon erroneous instructions to the grand jury that returned the indictment in this case. Defendant Crosby adopts and incorporates by reference as if set forth fully herein the arguments and points of law contained in the Motion to Dismiss Based Upon Grand Jury Instructions filed by Defendant Milton E. McGregor (Doc. 1212) filed on June 1, 2011.

s/ Thomas M. Goggans Ala State Bar No. 2222-S45T 2030 East Second Street Montgomery AL 36106 PH: 334.834.2511

PH: 334.834.2511 FX: 334.834.2512

e-mail: tgoggans@tgoggans.com

Attorney for Defendant Joseph R. Crosby

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 5^{th} day of June, 2011, electronically filed this document with the Clerk of the Court using the CM/ECF system which will send notification to all counsel of record.

s/ Thomas M. Goggans Ala State Bar No. 2222-S45T 2030 East Second Street Montgomery AL 36106 PH: 334.834.2511

PH: 334.834.2511 FX: 334.834.2512

e-mail: tgoggans@tgoggans.com

Attorney for Defendant Joseph R. Crosby