

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA)
)
v.) CR. NO. 2:10cr186-MHT
)
QUINTON T. ROSS, JR.)

**MOTION OF DEFENDANT QUINTON T. ROSS, JR., TO DISMISS
REGARDING FEDERAL PROGRAMS BRIBERY CHARGES
(18 U.S.C. §§666(a)(1)(B), 666(a)(2), AND 18 U.S.C. §2) AND CONSPIRACY
TO COMMIT FEDERAL PROGRAMS BRIBERY (18 U.S.C. §371)**

Quinton T. Ross, Jr., respectfully moves to dismiss Counts 10 through 12 of the Indictment, as well as Count 1 of the indictment. Counts 10¹, 11, and 12 are the charges alleging Senator Ross committed federal programs bribery and aided and abetted federal programs bribery in violation of 18 U.S.C. §§666(a)(1)(B) and 666(a)(2) (federal programs bribery) and §2 (aiding and abetting). Count 1 alleges Senator Ross and others conspired to commit federal programs bribery as defined by 18 U.S.C. §§666(a)(1)(B) and 666(a)(2), in violation of 18 U.S.C. §371. All of these charges should be dismissed because the Indictment alleges only conduct that is outside the scope of § 666, when that statute is properly construed and kept within constitutional bounds. Therefore, as shown in the accompanying brief, the Indictment “fails ... to state an offense” in

¹ It is unclear whether Senator Ross is being charged under Count 10. especially as an aider and abettor, as the person to whom defendants Gilley, Massey, McGregor, and Coker allegedly promised to give campaign contributions “to influence and reward Ross in connection with an upcoming vote on pro-gambling legislation.” Assuming arguendo for purposes of this motion, out of an abundance of caution, that Count 10 charges Senator Ross too, the reasons requiring dismissal of Counts 11, 12, and 1 as to Senator Ross apply equally so as to require dismissal of Count 10 too.

these regards as to Senator Ross, Fed. R. Crim. P. 12(b)(3)(B), and accordingly these charges must be dismissed as to him.

Respectfully submitted,

/s/ H. Lewis Gillis

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Mark Englehart

OF COUNSEL