

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

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

**MOTION OF QUINTON T. ROSS, JR., TO DISMISS REGARDING
“HONEST SERVICES” CHARGES (18 U.S.C. §§1341, 1343, 1346, AND 2)**

Quinton T. Ross, Jr., respectfully moves to dismiss Counts 23 through 33 of the Indictment. These are the charges alleging Senator Ross and all other defendants knowingly devised a scheme to defraud and deprive the State of Alabama and others of their right to the honest services of elected members and employees of the Legislature “through bribery and concealment of material information,” Indictment, ¶234; and aided and abetted each other in such a scheme, in violation of 18 U.S.C. §§1341, 1343, and 1346 (“honest services” fraud) and 18 U.S.C. §2 (aiding and abetting). As shown in the accompanying brief, the Indictment “fails ... to state an offense” in 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