

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CR. NO. 2:10cr186-MHT
)	
MILTON E. McGREGOR,)	
)	
Defendant.)	

**DEFENDANT MILTON McGREGOR’S FIRST MOTION TO DISMISS,
REGARDING CHARGES PREMISED ON 18 U.S.C. § 666**

Defendant Milton McGregor respectfully moves to dismiss Counts 1, 3, 4, 5, 8, 10 and 15. These are the charges under 18 U.S.C. § 666(a)(2), along with the charge of conspiracy to violate § 666. 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. These Counts therefore “fail[] ... to state an offense,” Fed. R. Crim. P. 12(b)(3)(B), and should be dismissed. This motion is supported by the accompanying brief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2010, 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/ Joe Espy, III

Of Counsel