

1 THOMAS E. MOSS  
2 UNITED STATES ATTORNEY  
3 GEORGE W. BREITSAMETER  
4 ASSISTANT UNITED STATES ATTORNEY  
5 DISTRICT OF IDAHO  
6 MK PLAZA, PLAZA IV  
7 800 PARK BLVD., SUITE 600  
8 BOISE, IDAHO 83712  
9 TELEPHONE: (208) 334-1211  
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11 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 MITCHELL D. McBRIDE,  
16 KIMBERLY McBRIDE,  
17 IRENE McBRIDE,  
18 DICK E. BUTCHER

19 Defendants.

Case No. CR 04-0064-S-EJL

MOTION TO DISMISS  
IRENE McBRIDE AND CERTAIN  
COUNTS

20  
21 The United States of America, by and through its attorney, George W. Breitsameter,  
22 Assistant United States Attorney for the District of Idaho, respectfully submits that, on the  
23 grounds and for the reason that upon further review of the evidence the defendant, Irene  
24 McBride, should be dismissed from all counts in which violations are alleged by her, to wit:  
25 Counts 6, 12, 17, 23-24, 31, 42, 47, 52, and 60. By this motion, the government does not move  
26 to dismiss any other defendants who are alleged in these counts.

22

1 In addition, the government moves to dismiss Counts 14, 20, 47, and 58 in their entirety  
2 on the grounds and for the reason that the victim of said offense is deceased or unavailable to  
3 testify in the above entitled matter.

4 For the foregoing reason, we move this Honorable Court for an Order of Dismissal.  
5 RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of July, 2004.

6 THOMAS E. MOSS  
7 United States Attorney

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10 GEORGE W. BREITSAMETER  
11 Assistant United States Attorney

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2 CERTIFICATE OF SERVICE

3 I HEREBY CERTIFY that I am an employee of the United States Attorney's Office for  
4 the District of Idaho, and that a copy of the foregoing MOTION TO DISMISS was served on all  
5 parties named below this 27<sup>th</sup> day of July, 2004.

6  United States Mail, postage prepaid

7  Hand delivery

8  Facsimile Transmission

9  Federal Express

10 Thomas Monaghan  
11 Federal Defenders for Eastern Washington and Idaho  
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