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DANIEL S. BURNE  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 AMY R. FLUCKIGER, )  
 a.k.a AMY BROWN, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

CR- 03-217-E-BLW

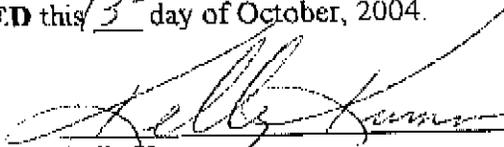
**MOTION TO DISMISS  
SUPERSEDING INDICTMENT**

The defendant, Amy Fluckiger, a.k.a. Amy Brown, by and through her attorney of record, Kelly Kumm, moves this court for an order dismissing the Superseding Indictment filed on or about August 24, 2004.

This motion is based on the grounds and for the reasons that the Superseding Indictment constitutes a vindictive prosecution of the defendant, in violation of the Due Process Clause as

set forth in the 14<sup>th</sup> Amendment of the United States Constitution.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of October, 2004.

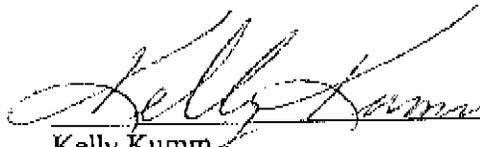
  
\_\_\_\_\_  
Kelly Kumm  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of October, 2004, I caused a true and correct copy of the foregoing **MOTION TO DISMISS SUPERSEDING INDICTMENT** to be delivered to the party named below, as follows:

Michael Joseph Fica  
Assistant United States Attorney  
801 East Sherman Avenue  
Pocatello, Idaho 83201  
Fax No. 334-9018

- By U. S. Mail  
 By Facsimile ✓  
 By Hand Delivery

  
\_\_\_\_\_  
Kelly Kumm