

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL NO. 02-10185-NG
)	
JAMES HEBSHIE)	
)	

UNITED STATES' DISMISSAL OF INDICTMENT

Pursuant to Fed. R. Crim. P. 48(a), the United States, with leave of the Court, hereby dismisses the Indictment in this matter. As grounds for the dismissal, the United States provides the following:

1) On September 24, 2003, a federal grand jury returned a superseding indictment charging the defendant with one count of arson, in violation of 18 U.S.C. § 844(i), two counts of mail fraud, in violation of 18 U.S.C. § 1341, and one count of use of a fire to commit a felony, in violation of 18 U.S.C. § 844(h)(1).

2) On June 29, 2006, a jury convicted the defendant on all counts charged in the superseding indictment. On June 21, 2007, the Court sentenced the defendant to a term of 15 years in prison, *inter alia*.


3) On December 4, 2008, the First Circuit affirmed both the conviction and sentence of the defendant in this matter. *See United States v. Hebshie*, 549 F.3d 30 (1st. Cir. 2008).

4) On November 15, 2010, the Court vacated the defendant's conviction on the ground that the defendant received ineffective assistance of counsel at trial. *See United States v. Hebshie*, 754 F. Supp.2d 89 (D. Mass. 2010).

5) In light of the current procedural posture of this matter, the United States has, in its discretion, made the judgment that the continued prosecution of this matter would be an overly costly use of its limited prosecutorial resources and, consequently, would not be in the public interest. It therefore dismisses the Indictment.

Respectfully submitted,
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By:


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June 20, 2011

Leave To File Granted:


NANCY GERTNER
U.S. District Judge

Date: 6/20/11