

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	Criminal No.: 06-071-SM
EDWARD LEWIS BROWN, and	:	
ELAINE A. BROWN,	:	
Defendants.	:	

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION
TO DISMISS THE INDICTMENT (DOC. NO. 96)**

The United States, by and through its undersigned attorney, hereby opposes the defendants’ motion to dismiss the indictment against them. (See Doc. No. 96.)

In support of its opposition, the government states that the defendants’ motion is simply a substantial reiteration of a number of earlier defense motions (see Doc. Nos. 25, 26, 31 and 75), all of which the Court denied. Indeed, the present motion is almost identical to one of those earlier motions. (See Doc. No. 26). In addition, in support of its objection, the government incorporates by reference herein the grounds cited in support of its objection to the earlier motions (see Docs. No. 27, 28, 32 and 80). Finally, the defendants’ motion to dismiss was not timely as it was filed more than seven months after arraignment (and less than a week before trial), and discovery motions must be filed within 30 days of arraignment. See Rule 12.1(a) of the Local Criminal Rules.

For the above-mentioned reasons, the United States respectfully requests that the defendants' motion be denied.

Dated: January 4, 2006

Respectfully submitted,

THOMAS P. COLANTUONO
United States Attorney

By: /s/William E. Morse
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Certificate of Service

I hereby certify that a copy of the foregoing was forwarded this date by overnight delivery (Saturday service) to Elaine Brown and Edward Brown, defendants, 401 Center of Town Road, Plainfield, New Hampshire 03781.

/s/William E. Morse