

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Filed
1/2/91

Adm-1

IN RE: DISMISSAL OF REMAINING COUNTS/INDICTMENTS

O R D E R

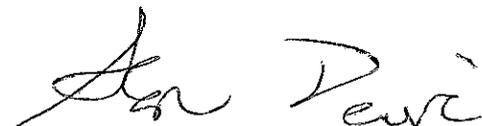
It has come to the Court's attention that the United States Attorney's Office is not, in accordance with plea agreements, routinely dismissing the remaining counts or the original indictments when a defendant enters a plea to certain counts but not others or pleads to a superseding indictment/information. Review of the plea agreements indicates that the remaining counts were to be dismissed at the time of sentencing either upon the motion of the United States or the defendant.

Historically it appears that the written requests for dismissals are only filed upon request from the Clerk's Office. It is not the responsibility of the Clerk of Court to ensure that all charges are disposed of in criminal actions, but rather that of the prosecuting attorney.

The Court would prefer that the United States Attorney file written dismissals or orally request dismissal of any remaining

counts on the record at the time of sentencing. But as this has occurred, despite numerous requests, it is therefore ordered that henceforth any charges which are not disposed of by plea or by motion of the United States pursuant to the plea agreement shall be deemed dismissed with prejudice and shall be so included in the judgment issued by the Court.

SO ORDERED.



Chief Judge
United States District Court

January 2, 1991

cc: United States Attorney