

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

UNITED STATES OF AMERICA :

NOLLE PROSEQUI

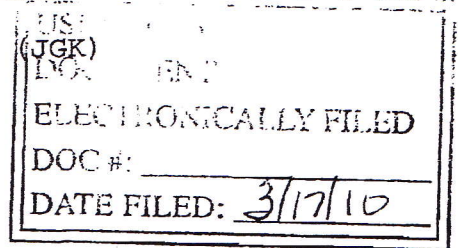
-v.- :

09 Cr. 883

DONALD PATRICK OWENS, :

Defendant. :

----- x



1. The filing of this nolle prosequi will dispose of this case with respect to the defendant DONALD PATRICK OWENS.

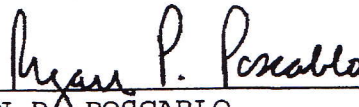
2. On September 15, 2009, Indictment 09 Cr. 883 (JGK) (the "Indictment") was filed, charging DONALD PATRICK OWENS, the defendant, with unlawfully, intentionally, and knowingly possessing with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(D) and with using and carrying firearms in furtherance of a drug trafficking crime, in violation of Title 18, United States Code, Section 924(c).

3. On December 10, 2009, the Court issued an Opinion and Order (the "December 10 Order") granting the motion to suppress physical evidence and statements filed by THOMAS LUCKEY, a defendant, in another case before Judge Shira A. Scheindlin. The suppression issue ruled on by Judge Scheindlin is the same as the issue that would be presented in this case before Judge Koeltl.

4. Based upon a review of the evidence in the case

which would still be available to the Government if Judge Koeltl suppressed the evidence in this case as Judge Scheindlin did in the case against Thomas Luckey, it has been concluded that the Government would not now proceed with the prosecution of DONALD PATRICK OWENS, the defendant.

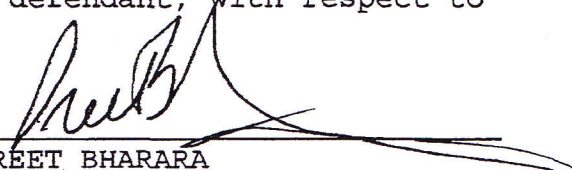
5. In light of the foregoing, I recommend that an order of nolle prosequi be filed as to DONALD PATRICK OWENS, the defendant, with respect to Indictment 09 Cr. 883 (JGK).



RYAN P. POSCABLO
Assistant United States Attorney
(212) 637-2634

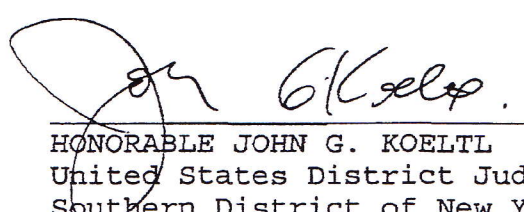
Dated: New York, New York
February 9, 2010

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to DONALD PATRICK OWENS, the defendant, with respect to Indictment 09 Cr. 883 (JGK).


PREET BHARARA
United States Attorney
Southern District of New York

Dated: New York, New York
February , 2010
March 15, (PP)

SO ORDERED:


HONORABLE JOHN G. KOELTL
United States District Judge
Southern District of New York

Dated: New York, New York
February , 2010
March 16, 2010

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DONALD PATRICK OWENS,

Defendant.

NOLLE PROSEQUI

09 Cr. 883 (JGK)

(18 U.S.C. § 924(c), 21 U.S.C. 812,
841(a)(1), 841(b)(1)(D).)

PREET BHARARA
United States Attorney.
