

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

DAVID JOHN LESPERANCE,

Defendant.

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Case No. 21-CR-00439-EGS

MOTION TO DISMISS INFORMATION


The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves this Court for leave, pursuant to Federal Rule of Criminal Procedure 48(a), to dismiss the instant case against Defendant David John Lesperance without prejudice.

As detailed in a prior filing (*see* D.E. 14) and during the September 24, 2021 status conference, this case is related to *United States v. Casey Cusick*, No. 21-CR-00440-CJN and *United States v. James Varnell Cusick Jr.*, No. 21-CR-00441-RDM. All three defendants are charged with the same four misdemeanor counts related to their conduct at the United States Capitol Building on January 6, 2021. The defendants know each other, traveled from Florida to the District of Columbia in advance of January 6, 2021, and entered and exited the Capitol Building at roughly the same time, in roughly the same locations. Given the mutually admissible evidence and overlapping primary criminal conduct alleged against these three defendants, the government subsequently charged them with the same crimes alleged in the instant case, but in a single superseding information. *See United States v. Lesperance et al.*, No. 21-CR-575-EGS.

Accordingly, given the superseding information, the government now moves to dismiss the instant case without prejudice.

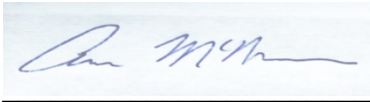
Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: 
ANNE P. MCNAMARA
Assistant United States Attorney
D.C. Bar No. 1006550
U.S. Attorney's Office, Fraud Section
555 Fourth Street, N.W.
Washington, D.C. 20530
Telephone: (202) 809-3502
Email: Anne.McNamara2@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2021, I caused a copy of the foregoing notice to be served on counsel of record via electronic filing.

By: 
ANNE P. MCNAMARA
Assistant United States Attorney