

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

AUG 1 2002

UNITED STATES OF AMERICA **DOCKETED**)
v. AUG 2 2002)
CHARLES H. WACKER III)

No. 93 CR 400)
Judge Gray)
U.S. DISTRICT COURT)
(Fugitive Case)

MOTION TO DISMISS INDICTMENT

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully requests that this court dismiss the above-entitled indictment of July 13, 1993 and fugitive warrant of arrest issued March 3, 1994 because:

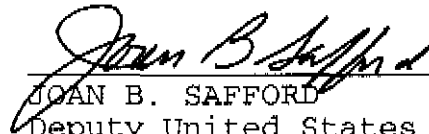
1. The defendant has been a fugitive since 1993 and after sustained law enforcement efforts cannot be located.
2. The defendant, born on October 21, 1921, is now 80 years old.
3. The principal witnesses against Charles Wacker III, namely Wacker's personal accountant, Edward Herron, and his brother, Frederick G. Wacker, are now deceased. This information has been confirmed by the currently assigned agent.

WHEREFORE, the government requests that its motion to dismiss the indictment and warrant of arrest be granted.

Respectfully submitted,

PATRICK J. FITZGERALD
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By:



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