

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

PLAINTIFF,

vs.

No. 10-40129-01-RDR

CHRISTOPHER ANTHONY WILABY,

DEFENDANT.

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ORDER TO DISMISS INDICTMENT

The matter comes before the Court on the motion of the government requesting the Court dismiss the pending indictment in the interests of justice.

In support of the motion the government proffers that the investigation involved both acts that occurred in the jurisdiction of Geary County, Kansas, and on the federal jurisdiction of the Fort Riley military reservation. The federal indictment was returned by the grand jury and the state charges were filed later in time. The Kansas charges were substantially more serious than the federal charges.

The Court is informed negotiation has occurred between the Geary County Attorney and the defendant and defendant's counsel Mr. Russ Roe. As a result, agreements have been made which both satisfy the federal interest in this case, and are also contingent on the dismissal of the federal charges. Dismissal of the indictment will result in the defendant being transferred to state custody for the completion of the

agreement. Defendant's federal counsel has no objection, being fully cognizant of the negotiations. The government therefore requests that the indictment be dismissed and defendant ceded to the state detainer.

The Court, having considered this information, finds that the federal interest in this case has been satisfied by the pending disposition of state charges, and the Court orders that the indictment is dismissed without prejudice and defendant released to Kansas authorities.

s/Richard D. Rogers  
United States District Judge