IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

UNITED STATES OF AMERICA)
v.)) CRIMINAL ACTION FILE
GERARD MARCHELLETTA, GERARD MARCHELLETTA, SR., and THERESA L. KOTTWITZ,) NUMBER 1:07-cr-107-TCB)
Defendants.))

ORDER

After careful consideration of the entire record and the parties' arguments presented at the hearing on this matter, the Court hereby DENIES Defendants Gerard Marchelletta, Sr. and Gerard Marchelletta, Jr.'s motion to dismiss the indictment with prejudice, or in the alternative, for an evidentiary hearing on their allegations of Government misconduct [293]. Further, the Court DENIES AS MOOT the Marchellettas' motion for a new trial [238] and Defendant Theresa L. Kottwitz's motion for a new trial [244].

IT IS SO ORDERED this 13th day of August, 2012.

Timothy C. Batten, Sr. United States District Judge

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