

IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)	C.A. No. 09-50479
)	D. Ct. No. CR 08-582-RMT
Plaintiff-Appellant,)	(Cent. Dist. Calif.)
)	
v.)	<u>MOTION FOR VOLUNTARY DISMISSAL</u>
)	<u>OF APPEAL; DECLARATION OF MARK</u>
LORI DREW,)	<u>KRAUSE</u>
)	
Defendant-Appellee.)	
)	

Plaintiff-Appellant United States of America, through its counsel of record, Assistant United States Attorney Mark Krause, hereby withdraws its appeal filed with the United States Court of Appeals for the Ninth Circuit from the district court's Judgment and Commitment order granting Lori Drew's post-verdict motion for acquittal.

Accordingly, the government moves this court for voluntary dismissal of its appeal in this matter pursuant to Rule

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42(b) of the Federal Rules of Appellate Procedure and based on the attached declaration of Mark Krause.

DATED: 11/16/09

GEORGE S. CARDONA
Acting United States Attorney

CHRISTINE C. EWELL
Assistant United States Attorney
Chief, Criminal Division



MARK KRAUSE
Assistant United States Attorney

Attorneys for Plaintiff-Appellant
UNITED STATES OF AMERICA

DECLARATION OF MARK KRAUSE

I, Mark Krause, hereby declare the following:

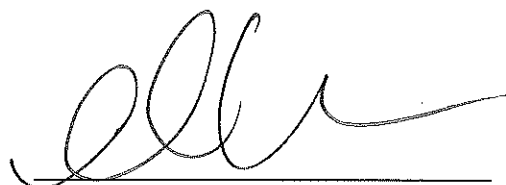
1. I am an Assistant United States Attorney in the Central District of California. In that capacity, I was assigned the responsibility of preparing any government appeal in United States v. Lori Drew, No. C.A. 09-50479. I make this declaration in support of the government's motion for voluntary dismissal of its appeal in this case.

2. On August 28, 2009, the district court filed its Judgement and Commitment Order granting defendant Lori Drew's post-verdict motion for acquittal pursuant to Fed. R. Criminal P. 29(c). On September 25, 2009, the government filed a notice of appeal. After review of this matter within the United States Attorney's Office and within the Department of Justice, the government now moves to dismiss its appeal from the dismissal order.

3. Defendant does not oppose the government's voluntary motion for dismissal.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 10/19/09



MARK KRAUSE
Assistant United States Attorney