

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 2:94-CR-108-FTM-17

JERMAINE A. YOUNG.

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ORDER

This cause is before the Court on:

Dkt. 374 Motion to Dismiss Counts 3 and 4 of the Indictment
Dkt. 375 Response in Opposition

Defendant Jermaine A. Young, *pro se*, moves to dismiss Counts 3 and 4 of the Indictment.

The Government opposes Defendant Young's Motion.

Count 3 of the Indictment alleges a conspiracy to kidnap in violation of 18 U.S.C. Sec. 1201(c); Count 4 of the Indictment alleges kidnapping, in violation of 18 U.S.C. Sec. 1201(a) and Section 2. (Dkt. 6).

Defendant Jermaine A. Young was found guilty by a jury on Counts 1, 2, 3, 4 and 5 of the Indictment. (Dkt. 153). Defendant Young was sentenced on February 2, 1996. (Dkts. 163, 167).

Defendant Young previously moved to dismiss Counts 3 and 4 of the Indictment, and for reversal of his conviction. (Dkt. 285). Defendant Young argued that Counts 3 and 4 were jurisdictionally defective and did not charge an offense because the essential element that the victim was held for ransom, reward or otherwise was not charged in the Indictment. The Court denied the Motion. (Dkt. 287). Defendant Young appealed the denial of Defendant's Motion. (Dkt. 288). The Eleventh Circuit dismissed the appeal for want of prosecution. (Dkt. 295).

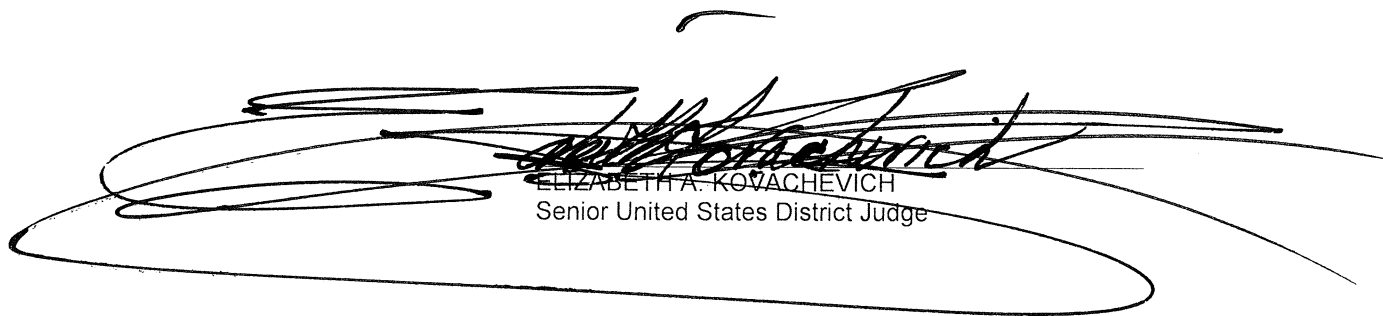
The Government argues that Defendant's Motion to Dismiss is due to be denied under the law-of-the-case doctrine. The Government further argues that

a motion to dismiss must be asserted prior to trial, and therefore Defendant Young's Motion is not timely. The Government further argues that Defendant Young's Motion must be denied because the criminal case is not pending, and the Court lacks jurisdiction to entertain Defendant's Motion.

The Court previously denied Defendant's Motion to Dismiss Counts 3 and 4 of the Indictment, and Defendant Young did not pursue an appeal of that ruling. The Court adopts and incorporates the Court's prior Order (Dkt. 287), and denies Defendant Young's Motion to Dismiss Counts 3 and 4 of the Indictment. Accordingly, it is

ORDERED that *pro se* Defendant Jermaine A. Young's Motion to Dismiss Counts 3 and 4 of the Indictment (Dkt. 374) is **denied**.

DONE and ORDERED in Chambers in Tampa, Florida on this 13th day of November, 2019.



ELIZABETH A. KOVACHEVICH
Senior United States District Judge

Copies to:

All parties and counsel of record

Pro Se Defendant:

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