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6 Attorneys for Plaintiff
7 United States of America

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) No. 08CR1171-W
12 Plaintiff,) GOVERNMENT’S RESPONSE TO
13 v.) DEFENDANT’S SUPPLEMENTAL BRIEF RE
14 DAVID C. JACQUOT,) MOTION TO DISMISS FOR
15 Defendant.) SELECTIVE/VINDICTIVE PROSECUTION,
16) CHANGE OF VENUE
17) DATE: June 1, 2009
18) TIME: 2:00 p.m.

19 The United States of America, by and through its counsel, Karen P. Hewitt, United States
20 Attorney, and Faith A. Devine, Assistant United States Attorney, hereby files its response to Defendant
21 David C. Jacquot’s Supplemental Brief re Motion to Dismiss for Selective/Vindictive Prosecution and
for Change of Venue.

22 The Government has reviewed Defendant’s supplemental brief and does not believe that any of
23 the arguments merit a response. Defendant’s supplemental brief merely repeats the same legally
24 deficient arguments that were raised in his Motion to Dismiss and his Response to the Government’s
25 Motion to Quash Subpoenas. The Government submits on the Response and Opposition filed on March
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1 23, 2009 (Document 75), its Motion to Quash filed on April 13, 2009 (Document 86)and this Court's
2 April 20, 2009 order granting the Motion to Quash subpoenas. For the reasons set forth in these
3 documents and this Court's April 20, 2009 order, the Government requests that the Court deny
4 Defendant's Motion.

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DATED: May 27, 2009

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

/s/ Faith A. Devine
FAITH A. DEVINE
Assistant U.S. Attorney

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
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 Plaintiff,)
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 v.)
)
 DAVID C. JACQUOT.,)
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 Defendant.)
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Case No. 08cr1171-W

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, Faith A. Devine, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of GOVERNMENT'S RESPONSE TO DEFENDANT'S SUPPLEMENTAL BRIEF RE MOTION TO DISMISS FOR SELECTIVE/VINDICTIVE PROSECUTION, CHANGE OF VENUE on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies him.

David C. Jacquot, Esq. - dave@jacquotlaw.com

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

Executed on May 27, 2009.

s/ Faith A. Devine
FAITH A. DEVINE

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