

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

v.

RICHARD PETIX,

Defendant.

**SUPPLEMENTAL
NOTICE OF MOTION**

Case No.: 15-CR-227-A

PLEASE TAKE NOTICE that the Defendant, **RICHARD PETIX**, upon the annexed affidavit of his attorney, **STEPHEN M. LEONARDO, ESQ.**, sworn to on the 29th day of July, 2016 and upon all proceedings, papers, and pleadings to date, respectfully moves this court on the 24th day of August, 2016 or such later date as the Court may direct, pursuant to Federal Rules of Criminal Procedure (F.R.C.P.) Rule 12 for a pre-trial order granting the following pre-trial relief:

A. An Order pursuant to Rule 12(b)(3)(A) and/or (B) dismissing the Second Count of the Indictment alleging a violation of Title 18 USC section 1960 on the ground that said count is defective in that there was an error in the grand jury proceeding and/or that it fails to state an offense.

B. An Order reserving Defendant's right to bring such rights and further relief as is derivative of the relief requested herein, just, reasonable or necessary in the interest of justice and within the Court's inherent discretion.

Dated: July 29, 2016

Rochester, New York

/s/Stephen M. Leonardo, Esq.

STEPHEN M. LEONARDO, ESQ.

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