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 7 Attorneys for Plaintiff

8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE DISTRICT OF ARIZONA

10 United States of America,  
 11 Plaintiff,  
 12 vs.  
 13 Lonnie Ray Swartz,  
 14 Defendant.  
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CR-15-01723-TUC-RCC (DTF)

GOVERNMENT’S NOTICE  
 REGARDING VERDICT  
 AND  
 REQUEST TO VACATE HEARING

17 The United States of America, by and through its undersigned attorneys, states as  
 18 follows:

19 On November 21, 2018, the jury returned a blank form of verdict on the charge of  
 20 voluntary manslaughter and a finding of not guilty on the lesser included charge of  
 21 involuntary manslaughter.

22 The government hereby gives notice that retrial on the voluntary manslaughter count  
 23 is barred under the Double Jeopardy Clause of the Constitution based on the jury’s verdict  
 24 of acquittal on the lesser included offense of involuntary manslaughter. *See Price v.*  
 25 *Georgia*, 398 U.S. 323, 331 (1970).

26 Wherefore, the United States of America respectfully submits that the prosecution  
 27 in this matter has been terminated by the jury’s finding of not guilty on the lesser included  
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charge of involuntary manslaughter and requests that this Court vacate the status hearing currently set for December 13, 2018.

The defense has been informed of this notice and request to vacate hearing and has no objection.

Respectfully submitted this 6th day of December, 2018.

ELIZABETH A. STRANGE  
First Assistant United States Attorney  
District of Arizona

*s/ Mary Sue Feldmeier*

MARY SUE FELDMEIERS  
WALLACE H. KLEINDIENST  
Assistant U.S. Attorneys

Copy of the foregoing served electronically or by other means this 6th day of December, 2018, to:

Sean C. Chapman, Esq.  
Jim Calle, Esq.