

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA)	
)	Docket No. 3:11CR122
v.)	
)	MOTION TO DISMISS
COMMUNITY ONE BANK, N.A.)	
)	

Now comes the United States of America, by and through Anne M. Tompkins, United States Attorney for the Western District of North Carolina and pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, hereby moves to dismiss with prejudice the Criminal Information filed in the above-captioned case against the defendant, Community One Bank, N.A. In support of this Motion, the United States provides the following:

1. On April 27, 2011, the United States filed a Criminal Information charging Community One Bank, N.A., with willfully failing to establish an anti-money laundering program, in violation of Title 31, United States Code, Sections 5318(h)(1) and 5322(a).
2. On April 27, 2011, the United States and Community One Bank, N.A. entered into a twenty four month deferred prosecution agreement (“DPA”), which was accepted by this Court on October 21, 2011. The DPA required, among other things, that Community One Bank, N.A. (a) accept and acknowledge responsibility for its conduct as set forth in the Bill of Information; (b) continue its cooperation with the United States; (c) pay a total of \$400,000 on the day of its merger and recapitalization to the Clerk of Court for the U.S. District Court to administer restitution payments to the over 400 victims identified in *United States v. Simmons*, Case No. 3:10CR23-C; and (d) demonstrate its future good conduct and compliance in all

material aspects with the Bank Secrecy Act and all of its implementing regulations, including, but not limited to, the remedial actions specified in the DPA.

3. Pursuant to the DPA, the United States agreed that if Community One Bank, N.A. fully complied with all of its obligations under the DPA, it would dismiss, within thirty days of the expiration of the agreement, the Criminal Information against Community One Bank, N.A.

4. Given that Community One Bank, N.A. has fully complied with its obligations under the DPA and has not otherwise breached the DPA, and pursuant to the terms of the DPA, the United States submits that dismissal is appropriate under the circumstances.

WHEREFORE, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States hereby dismisses with prejudice the Criminal Information filed in the instant case.

Respectfully submitted this 26th day of September 2013.

ANNE M. TOMPKINS
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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of September 2013, the foregoing motion was served electronically through ECF filing upon Defendant at the following address:

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