

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

|                          |   |                |
|--------------------------|---|----------------|
| UNITED STATES OF AMERICA | ) |                |
|                          | ) |                |
| v.                       | ) | No. 2:22-CR-53 |
|                          | ) | JUDGE GREER    |
| CHAD BRANDON THOMAS      | ) |                |

**MOTION TO DISMISS INDICTMENT**

The United States of America, by and through the United States Attorney for the Eastern District of Tennessee, pursuant to Rule 48 of the Federal Rules of Criminal Procedure, moves for a dismissal without prejudice of the Indictment against the defendant Chad B. Thomas in the above-styled case. By way of background and as support for this motion, the United States would show the following.

In 2022, the United States provided defendant Thomas with a target letter that advised him that he was the target of an investigation into various COVID-19-based fraud offenses. In response, Mr. Thomas contacted the Court and requested appointed counsel. The Court then appointed attorney Dudley Senter to represent the defendant in further dealings with the United States. After that, the parties negotiated a plea agreement that ultimately got filed in the companion case of *United States v. Chad Thomas*, No. 2:22-CR-76 (“the information case”). In that case, Mr. Thomas agreed to plead guilty to a charge of wire fraud and was sentenced by this Court on August 21, 2023. The facts set forth in that plea agreement and resulting presentence investigation report are the same facts alleged in this sealed indictment.

Prior to finalizing the plea agreement in the information case, Attorney Senter withdrew from representing defendant Thomas, and the Court appointed attorney Jefferson Fairchild to take over the representation. The United States provided the same plea agreement and

information to attorney Fairchild and set a deadline for receipt of the executed plea agreement. That deadline passed, and the United States heard nothing further. Accordingly, the United States obtained the indictment in this case. Before Thomas appeared on the indictment in this case, though, attorney Fairchild returned the executed, negotiated plea agreement. The United States opted to honor the prior negotiation, filed the information in the information case, and Thomas plead guilty and was sentenced in that case.<sup>1</sup> The entry of that plea and subsequent sentencing have resolved all pending matters, and the United States has agreed not to prosecute the defendant further for the offenses at issue, to include the other offenses in the indictment filed in this case.

Consequently, this case is due to be dismissed. As a precaution, the United States requests the dismissal be *without prejudice* because, although the plea agreement in the information case resolved all pending charges, certain provisions of the plea agreement survive and would permit the reinstatement of charges should a future breach occur.

Respectfully submitted, this the 28th day of August, 2023.

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<sup>1</sup> Pleadings filed in that case made clear that the delay in returning the negotiated agreement were due, in part, to Mr. Thomas not having a stable residence at the time.