UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES of AMERICA	)	
	)	
v.	)	**Criminal No. 23-10299-FDS**
	)	
DEAN A. TRAN,	)	
	)	
Defendant.	)	

MEMORANDUM AND ORDER ON DEFENDANT'S MOTION TO QUASH INDICTMENT BASED ON EITHER/OR MISLED [SIC] GRAND JURY OR PERJURED TESTIMONY

SAYLOR, C.J.

This is a criminal case arising from alleged wire fraud and filing of false tax returns. According to the indictment, defendant Dean A. Tran submitted fraudulent claims for Pandemic Unemployment Assistance ("PUA") while working and receiving income as a consultant. The indictment also alleges that he willfully underreported his income on federal tax returns for the years 2020, 2021, and 2022.

Defendant has moved to quash the indictment on the ground that a special agent of the United States Department of Labor – Office of the Inspector General either misled, or gave perjured testimony to, the grand jury. In substance, he contends that the agent falsely testified that defendant was ineligible to receive PUA benefits because he was working full-time, when in fact (1) defendant was working as a consultant, not a full-time employee, and (2) under some circumstances, individuals can earn income and receive PUA benefits.

Considered in the context of his other testimony, the testimony of the agent was not materially misleading and certainly does not constitute perjury. While it perhaps might have

been somewhat more precise in certain spots, that is hardly grounds for quashing the indictment. *See Bank of Nova Scotia v. United States*, 487 U.S. 250, 256-57 (1988) (stating that "dismissal of an indictment is appropriate only 'if it is established that the violation substantially influenced the grand jury's decision to indict,' or if there is 'grave doubt' that the decision to indict was free from the substantial influence of such violations") (internal citations omitted).

For the foregoing reasons, defendant's motion to quash the indictment is DENIED.

So Ordered.

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court

Dated: August 26, 2024