UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-20242-CR-ALTONAGA/TORRES

UNITED STATES OF AMERICA

v.

MARK SCOTT GRENON and
JOSEPH TIMOTHY GRENON,

Defendants.
_____/

MOTION TO DISMISS COUNTS 2 AND 3 OF INDICTMENT AGAINST DEFENDANTS MARK SCOTT GRENON AND JOSEPH TIMOTHY GRENON

The United States of America, through undersigned counsel, hereby respectfully requests that pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the Court allow the United States to dismiss without prejudice Counts 2 and 3 of the Indictment against defendants Mark Scott Grenon and Joseph Timothy Grenon, and only these defendants, as required by the Extradition Decisions of the Republic of Colombia with respect to these defendants, and the obligations of the United States under the Extradition Treaty with the Republic of Colombia, U.S.-Colom., Sept. 14, 1979, S. TREATY DOC. NO. 97-8 (1981) (the "Colombian Extradition Treaty").

On April 22, 2021, defendants Mark and Joseph Grenon, along with co-defendants Jonathan David Grenon and Jordan Paul Grenon, were indicted by a federal grand jury in the Southern District of Florida with one count of Conspiracy to Defraud and to Commit Offenses Against the United States, in violation of 18 U.S.C. § 371 (Count 1), and two counts of Criminal Contempt, in violation of 18 U.S.C. § 401(3) (Counts 2-3). Mark and Joseph Grenon were detained in Colombia at the request of the United States, and the United States thereafter submitted a formal extradition request.

Although Mark and Joseph Grenon are United States citizens with deep ties to the United States, where they committed the alleged crimes, they opposed the government's request that they be extradited back to the United States to stand trial. The Republic of Colombia granted the extradition of these defendants for Count 1, but denied extradition for Counts 2 and 3. (D.E. 163, Exs. 1-2 (Extradition Decision with respect to Mark Grenon), 5-6 (Extradition Decision with respect to Joseph Grenon).) The Republic of Colombia denied extradition for these counts on dual criminality grounds, without addressing whether the defendants were guilty of criminal contempt.

Therefore, the United States now moves the Court to allow the United States to dismiss Counts 2 and 3 against these defendants without prejudice, as the Colombian Extradition Treaty precludes the United States from prosecuting or punishing these defendants for charges for which extradition was denied. A proposed Order for Dismissal is attached hereto as Exhibit 1.

Respectfully submitted,

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UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 28, 2023, I caused a true and correct copy of the foregoing to be delivered via Certified Mail to *pro se* Defendants Jonathan David Grenon, Jordan Paul Grenon, and Joseph Timothy Grenon at the Miami Federal Detention Center, Inmate Mail/Parcels, Post Office Box 019120, Miami, Florida 33101.

/s/ Michael B. Homer
MICHAEL B. HOMER
Assistant United States Attorney