

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	CRIMINAL ACTION NO.
	:	2:13-CR-21-RWS-JCF
AMY B. WILLIAMS,	:	
Defendant.	:	
	:	

ORDER

This case is before the court for consideration of the Report and Recommendation [111] of Magistrate Judge J. Clay Fuller recommending denial of Defendant’s Motion to Strike Surplusage from Second Superseding Indictment [99]. After reviewing the record, the Court enters the following Order.

In the Motion, Defendant challenges language in the set Second Superseding Indictment that alleges fraud “by the omission of material facts.” Defendant asserts that this language erroneously infers an element that will be misleading or create confusion for a jury as to the elements of 18 U.S.C. §1344 (2). In the Report and Recommendation, Judge Fuller found that “the omission of material facts” can support an element of the crime. He concluded that

Defendants Motion is premature. Defendant filed Objections [112] relying upon arguments asserted in the original Motion. The Court agrees with Judge Fuller's analysis. Accordingly, defendants Objections are **OVERRULED**, and the Report and Recommendation is received with approval and adopted as the Opinion and Order of this Court. Defendant's Motion to Strike Surplusage from Second Superseding Indictment [99] is **DENIED, without prejudice**.

SO ORDERED this 4th day of February, 2016.


RICHARD W. STORY
UNITED STATES DISTRICT JUDGE