IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	No. 1:18-CR-457-AJT
BIJAN RAFIEKIAN, *et al.,*	)	
	)	
Defendants.	)	

GOVERNMENT'S MOTION TO DISMISS COUNTS ONE AND TWO OF THE INDICTMENT

The United States respectfully moves pursuant to Federal Rule of Criminal Procedure

48(a), to dismiss Counts One and Two of the indictment in this case with prejudice. Defendant

Bijan Rafiekian is only charged in Counts One and Two of the indictment. After carefully

considering the Fourth Circuit's recent decision in this case and the principles of federal

prosecution, the United States believes it is not in the public interest to pursue the case against

defendant Bijan Rafiekian further. Defendant Rafiekian does not oppose this motion. A

proposed order is attached to this motion for the Court's convenience.

Respectfully submitted,

JESSICA D. ABER
UNITED STATES ATTORNEY

_____/s/_____	By:	_____/s/_____
Evan N. Turgeon		John T. Gibbs
Trial Attorney		Virginia Bar No. 40380
Counterintelligence		Aidan Grano-Mickelsen
and Export Control Section		New York Bar No. 5216585
National Security Division		Assistant United States Attorneys
United States Department of Justice		The Justin W. Williams
950 Pennsylvania Ave., NW		United States Attorney's Office
Washington, DC 20530		2100 Jamieson Avenue
(202) 353-0176		Alexandria, VA 22314
Evan.Turgeon@usdoj.gov		(703) 299-3700
		(703) 299-3982 (fax)
		John.Gibbs@usdoj.gov
		Aidan.grano-mickelsen@usdoj.gov

2

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2023, I electronically filed the foregoing using the

CM/ECF system, which will send a notification of such filing to counsel of record.

Respectfully submitted,

_____/s/_____

John T. Gibbs
Assistant United States Attorney