

STATE OF INDIANA)
) SS
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION - ROOM 3
CAUSE NO.: 49G03-1103-MR-014478

THE STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
BEI BEI SHUAI,)
)
Defendant.)

183 FILED
MAR 30 2011

E. J. Smith
CLERK OF THE MARION CIRCUIT COURT

MOTION TO DISMISS


The Defendant, by counsel, respectfully requests this Court, pursuant to I.C. 35-34-1-4, to dismiss the Information filed in the above-captioned cause. In support of this Motion, the Defendant states the following:

1. On March 14, 2011, a two count Information was filed charging the Defendant with Murder (Count 1) and Attempted Feticide (Count 2).
2. The Information is defective under I.C. 35-34-1-4 and I.C. 35-34-1-6 for multiple reasons:
 - a. The Information does not state the offenses with sufficient certainty;
 - b. Both Counts One and Count Two fail to recite facts that constitute an offense, and must be dismissed under I.C. 35-34-1-4(a)(5);
 - c. The statutes defining murder and feticide, as applied to this Defendant, are unconstitutional and the Information is defective and otherwise invalid as a matter of law, and must be dismissed under I.C. 35-34-1-4(a)(1); and I.C. 35-34-1-6; and,
 - d. The Defendant has immunity with respect to the alleged charges and thus the Information must be dismissed pursuant to I.C. 34-1-4(6).
3. In accordance with Criminal Rule 3, a memorandum of law stating specifically the grounds for dismissal is filed contemporaneously with this Motion.

WHEREFORE, the Defendant, by counsel, respectfully requests this Court, in accordance with I.C. 35-34-1-4(d) to grant the Motion to Dismiss and discharge the Defendant.

Respectfully submitted,

PENCE HENSEL LLC

By: 

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NATIONAL ADVOCATES FOR PREGNANT WOMEN

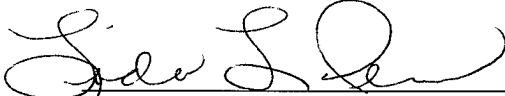
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served by United States first class mail, postage prepaid, upon the following counsel of record this 30th day of March, 2011.

Thomas K. Morris
Lindsay Gedig
Marion County Prosecutor's Office
251 E. Ohio Street, Room 160
Indianapolis, IN 46204


Linda L. Pence