

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON

Eastern District of Kentucky
FILED

JUN 08 2023

AT COVINGTON
Robert R. Carr
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

INDICTMENT NO 23-28-DLB-CJS

ISAIAH M. SMITH,
DENICO N. HUDSON, and
DEMARCO STURGEON

* * * * *

THE GRAND JURY CHARGES:

COUNT 1
18 U.S.C. § 922(o)
18 U.S.C. § 2

On or about January 1, 2020, and continuing through on or about January 25,
2023, in Kenton County, in the Eastern District of Kentucky, and elsewhere,

**ISAIAH M. SMITH,
DENICO N. HUDSON, and
DEMARCO STURGEON,**

aiding and abetting one another, knowingly possessed and transferred a machinegun, that is, a weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger, including any part designed and intended solely and exclusively for use in converting a weapon into a machinegun, all in violation of 18 U.S.C. §§ 922(o) and 2.

COUNT 2
26 U.S.C. § 5861(j)
18 U.S.C. § 2

On or about January 1, 2020, and continuing through on or about January 25, 2023, in Kenton County, in the Eastern District of Kentucky, and elsewhere,

ISAAH M. SMITH,
DENICO N. HUDSON, and
DEMARCO STURGEON,

aiding and abetting one another, knowingly transported, delivered, and received, in interstate commerce, a firearm, that is, a machinegun, not registered as required by Chapter 53 of Title 26, all in violation of 26 U.S.C. § 5861(j) and 18 U.S.C. § 2.

FORFEITURE ALLEGATIONS

18 U.S.C. § 924(d)
26 U.S.C. § 5872
28 U.S.C. § 2461

1. By virtue of the commission of the offense alleged in Count 1 of the Indictment, **ISAAH M. SMITH** shall forfeit to the United States any and all firearms and ammunition involved in or used, or intending to be used, in the violations of 18 U.S.C. § 922(o). Any and all interest that **ISAAH M. SMITH** has in this property is vested in and forfeited to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461.

2. By virtue of the commission of the offense alleged in Count 2 of the Indictment, **ISAAH M. SMITH** shall forfeit to the United States any and all firearms involved in the violation of 26 U.S.C. § 5861(j). Any and all interest that **ISAAH M.**

SMITH has in this property is vested in and forfeited to the United States pursuant to 26

U.S.C. § 5872.

3. The property to be forfeited includes, but is not limited to, the following:

FIREAMS AND AMMUNITION:

- a. A Glock, Model 19X nine-millimeter pistol, bearing serial number BSLE615, inventory #E17, ATF Item #84, seized on April 4, 2023;
- b. Polymer-80, 40 caliber handgun, no serial number, inventory #E7, ATF Item #82, seized on April 4, 2023;
- c. Polymer-80, nine-millimeter pistol, no serial number, inventory #E6, ATF Item #83, seized on April 4, 2023;
- d. Machine Gun Conversion Device, metal switch, inventory #E24, ATF Item #74, seized on April 4, 2023;
- e. All ammunition seized in conjunction with these firearms.

A TRUE BILL



Handwritten signature of Carlton S. Shier, IV in black ink.

CARLTON S. SHIER, IV
UNITED STATES ATTORNEY

PENALTIES

COUNT 1: Imprisonment for not more than 10 years, a fine of not more than \$250,000, and supervised release for not more than 3 years.

If 18 U.S.C. § 924(e) applies, imprisonment for not less than 15 years and not more than life, a fine of not more than \$250,000, and supervised release for not more than 5 years.

COUNT 2: Imprisonment for not more than 10 years, a fine of not more than \$10,000, and supervised release for not more than 3 years.

PLUS: Forfeiture of all listed property.

PLUS: Mandatory special assessment of \$100 per count.

PLUS: Restitution, if applicable.