

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
NORTHERN DIVISION  
AT COVINGTON**

**CRIMINAL CASE NO: 23-28-DLB-CJS**

**JUDGE BUNNING**

**UNITED STATES OF AMERICA,  
Plaintiff,**

**vs.**

*ELECTRONICALLY FILED*

**DENICO N. HUDSON,  
Defendant.**

**DEFENDANT'S MOTION TO DISMISS THE INDICTMENT**

Now comes the Defendant, DENICO N. HUDSON, in the above-captioned case, by and through counsel, and respectfully joins the Motion to Dismiss filed by the counsel for Mr. Sturgeon (Doc. # 40), and Mr. Smith (Doc. # 41). The undersigned, on behalf of Mr. Hudson, requests that the Court dismiss all firearms-related charges in the Indictment pursuant to *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022).

/s/ Kerry L. Neff  
KERRY L. NEFF (KY 86729)  
526 Greenup Street  
Covington, KY 41011  
Tel: (859) 291-6333  
Fax: (859) 291-6336  
Email: [KerryNeff@aol.com](mailto:KerryNeff@aol.com)  
Attorney for Denico N. Hudson

**MEMORANDUM IN SUPPORT OF MOTION  
TO DISMISS INDICTMENT**

The undersigned counsel, on behalf of Mr. Hudson, submits the following in support of his Motion to Dismiss the Indictment in the above captioned case. The statutes in this case infringe on Mr. Hudson's Second Amendment rights. To proceed with the prosecution in this matter the government must show that the statutes in this case are consistent with our Nation's historical tradition. If the government cannot meet this burden, then the charges against Mr. Hudson must be dismissed under a *Bruen* analysis. If the government fails to meet their initial burden, Mr. Hudson respectfully requests that the firearm related charges contained in the Indictment be dismissed. *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022).

/s/ Kerry L. Neff  
KERRY L. NEFF (KY 86729)  
526 Greenup Street  
Covington, KY 41011  
Tel: (859) 291-6333  
Fax: (859) 291-6336  
Email: [KerryNeff@aol.com](mailto:KerryNeff@aol.com)  
Attorney for Denico N. Hudson

**CERTIFICATION**

I hereby certify that a true copy of this document will be served on this the 15<sup>th</sup> day of August, 2023 via electronic filing/mail, to all attorneys of record.

/s/ Kerry L Neff  
KERRY L. NEFF