

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

**CRIMINAL ACTION NO. 23-28-DLB-2**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**V.**

**SENTENCING MEMORANDUM**

**DENICO N. HUDSON**

**DEFENDANT**

\* \* \* \* \*

The Defendant is a young man with multiple convictions for offenses involving violence and firearms who worked with others to illegally distribute numerous machinegun conversion devices to gang associates engaged in violent acts as well as drug trafficking. He attempted to contact associates from jail to retaliate against witnesses in this investigation. Based on his background and the nature of the current offense, the Court should impose a sentence of 108 months in prison and three years of supervised release.

**I. Summary of offense:**

The Defendant knowingly and voluntarily collaborated with others, including Demarco Sturgeon and Isaiah Smith, to possess and transfer numerous machinegun conversion devices, commonly known as Glock switches or auto sears, to multiple individuals during the time alleged in the Indictment. The devices at issue qualify as machineguns since they are designed to convert a semi-automatic pistol to fully

automatic operation. Smith manufactured plastic conversion devices in Ohio and sold many of them to Sturgeon in Kentucky. Sturgeon, the central hub of the conspiracy, then sold the bulk of them to the Defendant and other customers in Northern Kentucky and Southern Ohio. The Defendant also assisted Sturgeon in making multiple sales of these devices to members of known violent gangs in Cincinnati who, like the Defendant, engaged in drug trafficking and acts of violence.

In 2022, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) opened an investigation into individuals who were selling and possessing firearms and machinegun conversion devices to individuals engaged in drug trafficking and other criminal offenses. These devices had been linked to numerous calls of shots fired in Cincinnati as well as completed assaults. The investigation was predicated on information from cooperating sources, who identified Sturgeon as a primary source of supply of firearms and machinegun conversion devices to groups in Cincinnati and Northern Kentucky.

Subsequent investigation by ATF confirmed that Sturgeon was regularly trafficking in machinegun conversion devices supplied by Isaiah Smith and others. Agents obtained video showing Sturgeon at Mark's Guns (a FFL in Florence, Kentucky) firing a handgun with a machinegun conversion device installed. A review of Sturgeon's Facebook account revealed photos and videos of machinegun conversion devices, firearms, and illegal drugs and numerous messages sent by Sturgeon advertising, selling, and purchasing machinegun conversion devices, firearms, and illegal drugs during the latter half of 2022. For example, messages in August 2022 revealed that Sturgeon agreed

to meet the Defendant to provide two black machinegun conversion devices in exchange for a quantity of drugs; Sturgeon indicated in the conversation with the Defendant that he intended to repackage the drugs for further distribution. The messages further revealed that Sturgeon regularly kept illegal drugs, firearms, and machinegun conversion devices in his possession and available for sale and that he instructed others how to install the conversion devices to convert firearms to fully automatic weapons. Sturgeon supplied Clifton Barnett and Cylis Rowe with firearm conversion devices that Barnett sold to others who could not lawfully possess them.

During the execution of a search warrant on Sturgeon's residence in Kenton County on January 25, 2023, agents located a firearm and a quantity of marijuana in his room. Sturgeon admitted to extensive trafficking in firearms and conversion devices during the time alleged in the indictment and provided information identifying Isaiah Smith as the primary supplier of the machinegun conversion devices.

According to Sturgeon and Facebook communications, the Defendant bought multiple machinegun conversion devices from Sturgeon and paid him with money and drugs (marijuana and fentanyl). The Defendant also sold these conversion devices and eventually served as a middleman for Sturgeon to assist him in selling conversion devices to gang associates of the Defendant in Cincinnati.

Sturgeon's information proved to be reliable when agents obtained and executed a search warrant on Smith's Ohio residence on April 4, 2023 and seized a metal Glock switch and a loaded Glock semiautomatic model 19X pistol bearing serial number BSLE615 from Smith's bedroom. Smith confirmed that he had manufactured and

distributed over 80 Glock switches and identified the location of the printers and computer that he used to make them, which agents subsequently seized. Smith admitted to distributing numerous switches to Sturgeon.

Sturgeon and Smith each independently admitted that members of the conspiracy distributed over 25 machinegun conversion devices during the charged time. They also confirmed in written plea agreements that all members of the conspiracy were aware that they were distributing these devices to individuals who were using and disposing of them unlawfully.

The Defendant was detained after his arrest in this case. While in custody, he engaged in recorded phone and chirp conversations with associates attempting to persuade a witness to provide false testimony and convince associates to retaliate against other witnesses in this investigation.

## **II. Objections to the Presentence Report:**

The initial series of objections raised by the defense contest facts in the presentence report and guideline enhancements relating to the Defendant's involvement in the distribution of conversion devices. At this time, the Defendant has not offered any factual support for his objections. The United States is prepared to offer testimony and documentary evidence at sentencing to support our positions.

U.S.S.G. § 1B1.3 defines relevant conduct as acts committed or assisted by a defendant as well all acts of others within the scope of jointly undertaken activity, in furtherance of jointly undertaken activity, and those reasonably foreseeable in furtherance of jointly undertaken activity.

Demarco Sturgeon and the Defendant worked together on a continuing basis to distribute numerous machinegun conversion devices during the conspiracy. They both engaged in drug distribution during this time and the Defendant actually paid for some of the conversion devices by delivering drugs to Sturgeon that he knew Sturgeon was going to distribute. The pair worked together to distribute conversion devices to Cincinnati gang associates of the Defendant involved in acts of drug distribution and violence.

Sturgeon agreed to each of the challenged enhancements in this area in his plea agreement and affirmed his agreement to the facts underlying them in writing and during his sworn plea colloquy. [R. 52: Plea Agreement at PageID# 143-150.] He specifically admitted “knowingly and voluntarily collaborated with others, including . . . Denico Hudson, to possess and transfer numerous machinegun conversion devices, commonly known as Glock switches or auto sears, to one another and other individuals during the time period alleged in the Indictment.” *Id.* at 143. Sturgeon sold the bulk of the conversion devices to Hudson and other customers in Northern Kentucky and Southern Ohio. *Id.* at 144. Hudson also assisted the Defendant in making multiple sales of these devices to other customers. *Id.*

Sturgeon directly acknowledged that Facebook messages between them in August 2022 showed that Sturgeon agreed to provide two black machinegun conversion devices to the Defendant in exchange for a quantity of drugs and that Sturgeon informed the Defendant indicated in the conversation that he intended to repackage the drugs for further distribution. *Id.* The messages further revealed that Sturgeon made no secret of the fact that he regularly kept illegal drugs, firearms, and machinegun conversion devices

in his possession and available for sale and that he instructed others how to install the conversion devices to convert firearms to fully automatic weapons. *Id.*

Sturgeon told the Court in his agreement that members of the conspiracy distributed over 25 machinegun conversion devices and all members of the conspiracy were aware that they were distributing these devices to individuals who were using and disposing of them unlawfully. *Id.* at 145. Specifically, the Defendant bought multiple conversion devices from Sturgeon and paid him with money and drugs (marijuana and fentanyl). The Defendant directly sold these conversion devices and also served as a middleman for Sturgeon to assist him in selling them to individuals in Cincinnati who were using them unlawfully. *Id.*

This information was consistent with statements previously made by Sturgeon when he was arrested on January 25, 2023. During the interview, Sturgeon admitted to distributing firearms, conversion devices, and controlled substances and to working with the Defendant and others to commit these offenses. Sturgeon admitted that he sold conversion devices to the Defendant in exchange for money and drugs. Sturgeon also discussed going to the Defendant's apartment to deliver conversion devices to the Defendant. He witnessed the Defendant distributing some of the devices to other people. Sturgeon identified photographs of Charles Mitchell and Brandon Tyler as people present during these events. The prior ATF investigation had already confirmed that Mitchell, Tyler, and the Defendant are associates in a violent Cincinnati gang known as "Button Boys."

Smith likewise admitted in his plea agreement and colloquy that the conspiracy distributed over 25 conversion devices during the period charged in the Indictment and that the conspiracy members were aware that the customers were using the devices unlawfully. Smith's cooperation led to the seizure of the computer equipment used to manufacture the conversion devices, giving his admissions additional credibility.

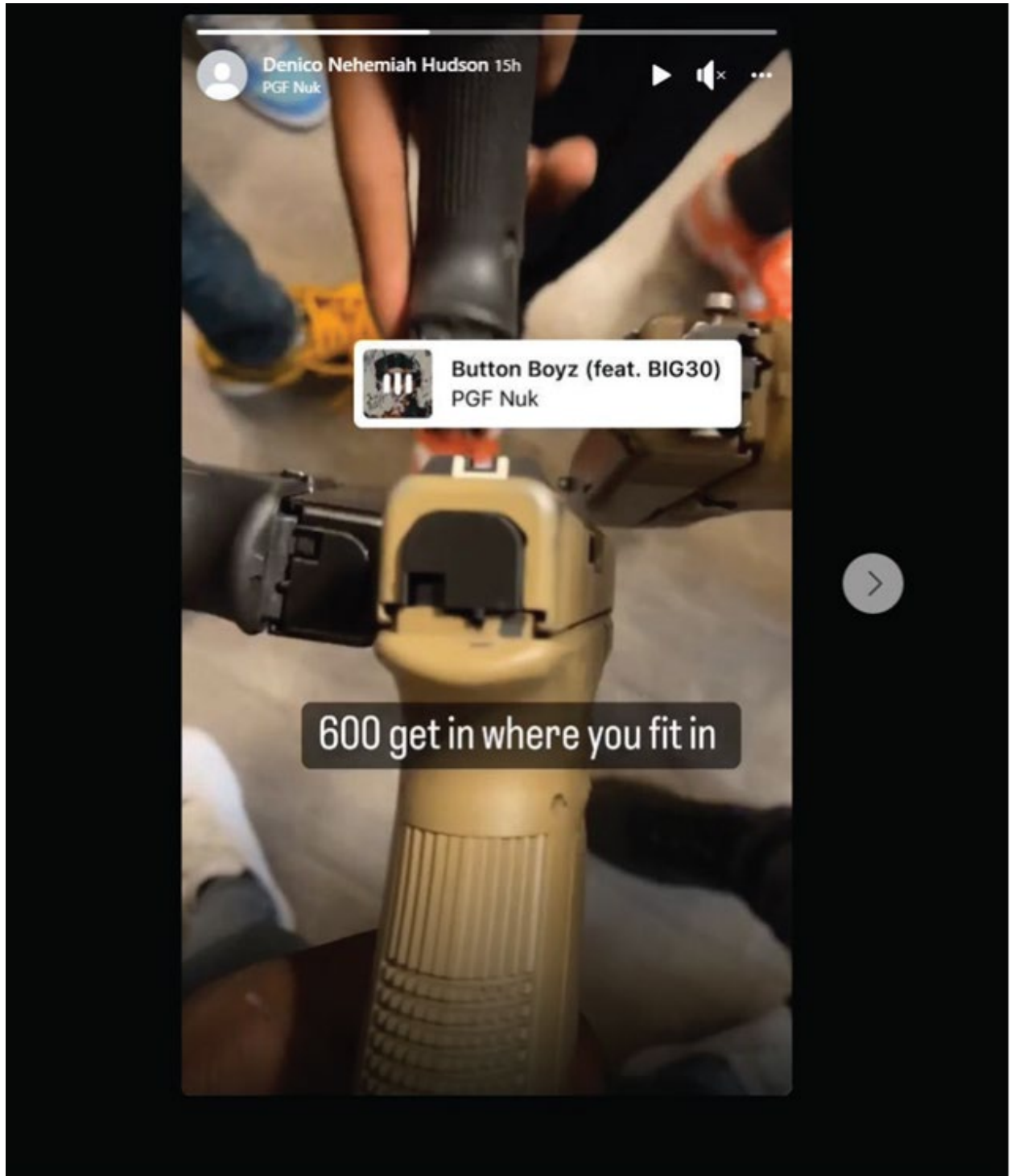
An individual living with Sturgeon identified the Defendant as someone supplying controlled substances to Sturgeon and confirmed information from Sturgeon identifying the Defendant's address as a location where Sturgeon went to obtain controlled substances. This also corroborates information from Sturgeon and Smith as well as documentary evidence uncovered through the investigation of the Facebook accounts of conspiracy members.

Sturgeon's Facebook account showed an image of Sturgeon and the Defendant displaying large amounts of currency.





ATF located material on Facebook posted by the Defendant showing the Button Boys displaying handguns with switches installed on them and offering them for sale:





Sturgeon's Facebook account showed communications between Sturgeon and the Defendant during a sequence in August 2022 discussing a plan for the Defendant to supply drugs to Sturgeon in return for two conversion devices:

**Author** Richard Sherman (Facebook: 100077773638561)  
**Sent** 2022-08-20 22:49:31 UTC  
**Body** Gang

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-20 22:56:47 UTC  
**Body** Pull up brotha

**Author** Richard Sherman (Facebook: 100077773638561)  
**Sent** 2022-08-20 23:14:01 UTC  
**Body** Okay brotha you can put it the whole 1.3 in one pack | gotta scale | can separate it

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-20 23:14:15 UTC  
**Body** Yup bet

**Author** Richard Sherman (Facebook: 100077773638561)  
**Sent** 2022-08-20 23:14:57 UTC  
**Body** Goodlooks ganger you at same spot ?

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-20 23:15:05 UTC  
**Body** Yea

**Author** Richard Sherman (Facebook: 100077773638561)  
**Sent** 2022-08-20 23:15:18 UTC  
**Body** Finna be onna way

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-20 23:49:21 UTC  
**Body** I'm right here

**Author** Richard Sherman (Facebook: 100077773638561)  
**Sent** 2022-08-20 23:52:30 UTC  
**Body** I'm here ab to come to door

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-21 00:34:26 UTC  
**Body** You missed a call from Denico.

**Author** Richard Sherman (Facebook: 100077773638561)  
**Sent** 2022-08-21 19:13:42 UTC  
**Body** Bring 2?

**Author** Richard Sherman (Facebook: 100077773638561)  
**Sent** 2022-08-22 22:58:54 UTC  
**Body** □□□□

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-23 18:13:29 UTC  
**Body** Brotha 2

**Author**  
Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-23 18:13:33 UTC  
**Body** I need

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-23 18:24:28 UTC  
**Body** You missed a call from Denico,

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-23 18:56:27 UTC  
**Body** Yea bring 2

**Author** Richard Sherman (Facebook: 100077773638561)  
**Sent** 2022-08-23 18:57:06 UTC  
**Body** Black ?

**Author** Richard Sherman (Facebook: 100077773638561)  
**Sent** 2022-08-23 19:36:27 UTC  
**Body** You home ?

The investigation also located a separate cooperating witness associated with the Button Boys confirming that the Defendant obtained conversion devices from Sturgeon and distributed them to gang members in Cincinnati. Agents conducted an interview of CD-2 in October 2022. During this interview CD-2 stated that the Defendant was the member of the gang who originally located the source supplying the machinegun conversion devices. CD-2 stated that the Defendant knew a white male known as “Marco” who lives in Kentucky. CD-2 accurately described Marco as a white male with tattoos on his arms and neck. Agents showed CD-2 a video of Sturgeon shooting a pistol equipped with a machinegun conversion device at a firing range. CD-2 stated the male in

the video was Marco. CD-2 stated that Marco had delivered machinegun conversion devices to the gang at an apartment on Sunset Avenue in the Avondale neighborhood of Cincinnati (later identified as the Defendant's apartment). CD-2 stated that Marco would deliver the machinegun conversion devices and even install the devices onto firearms that members of the gang already had in their possession. CD-2 stated that "Marco" drove a black Dodge Charger with a Kentucky license plate. After Sturgeon developed contacts directly with these gang members through the Defendant's assistance, Sturgeon began selling conversion devices directly to them. Conversion devices linked to those gangs have been involved in multiple shootings in Cincinnati.

Numerous samples of material from the Defendant's Facebook contents support this information about his distribution of conversion devices.

**Thread** (1604661759705956)

**Current** 2023-04-17 23:37:01 UTC

**Participants** Thenicest Icanbe (Facebook: 100052576628627)

Denico Nehemiah Hudson (Facebook: 100004864418318)

**Author** Thenicest Icanbe (Facebook: 100052576628627)

**Sent** 2022-05-06 01:29:20 UTC

**Body** Need the switch

**Author** Denice Nehemiah Hudson (Facebook: 100004864418318)

**Sent** 2022-05-06 01:56:22 UTC

**Body** 900 come get one

**Author** Thenicest Icanbe (Facebook: 100052576628627)

**Sent** 2022-05-06 05:36:17 UTC

**Body** They 500

**Author** Denice Nehemiah Hudson (Facebook: 100004864418318)

**Sent** 2022-05-06 05:42:21 UTC

**Body** Go find you one for 500 not in the city tho

**Author** Thenicest Icanbe (Facebook: 100052576628627)

**Sent** 2022-05-06 05:44:45 UTC

**Body** You might be right bout that one lol

**Author** Thenicest Icanbe (Facebook: 100052576628627)

**Sent** 2022-05-06 05:46:23 UTC

**Body** I'm from the chi u know I know

**Thread** (888856041286535)

**Current** 2023-04-17 23:37:46 UTC

**Participants** Jay Ping (Facebook: 100018676954651)

Denico Nehemiah Hudson (Facebook: 100004864418318)

**Author** Jay Ping (Facebook: 100018676954651)

**Sent** 2022-05-05 21:30:19 UTC

**Body** Any switxh fa sale?

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)

**Sent** 2022-05-05 22:20:10 UTC

**Body** 800

**Author** Jay Ping (Facebook: 100018676954651)

**Sent** 2022-05-05 23:04:43 UTC

**Body** Reacted • to your message

**Author** Jay Ping (Facebook: 100018676954651)

**Sent** 2022-05-05 23:05:37 UTC

**Body** Sayless on bloodz ima be ringing yo line soon

**Author** Jay Ping (Facebook: 100018676954651)

**Sent** 2022-05-05 23:05:56 UTC

**Body** They metal or plastic?

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)

**Sent** 2022-05-05 23:06:04 UTC

**Body** Metal

**Author** Jay Ping (Facebook: 100018676954651)

**Sent** 2022-05-05 23:07:19 UTC

**Body** Bet it's on brotha ima let yu kno sum wassup wit my boy doe we usta be inna tellys fooling□□□□

**Author** Jay Ping (Facebook: 100018676954651)

**Sent** 2022-05-19 23:55:22 UTC

**Body** Wats yo number

**Author** Jay Ping (Facebook: 100018676954651)

**Sent** 2022-05-19 23:55:49 UTC

**Body** Tryna grab one of them

**Author** Mone Zanders (Facebook: 100057368731152)

**Sent** 2022-05-05 21:38:47 UTC

**Body** Hot boy how much they want for that switch

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)

**Sent** 2022-05-05 22:08:24 UTC

**Body** I tried calling you 800

**Author** Kyran Collier (Facebook: 100004973258262)  
**Sent** 2022-05-06 08:33:06 UTC  
**Body** Boy got them switches

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-05-06 15:41:11 UTC  
**Body** No cap family □□□□

**Author** Kanan Stark (Facebook: 100009133573248)  
**Sent** 2022-04-28 19:47:34 UTC  
**Body** What he charge you gang

**Author** Kanan Stark (Facebook: 100009133573248)  
**Sent** 2022-08-03 13:54:18 UTC  
**Body** Switches on them Bitches□□□□□□

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-03 15:23:50 UTC  
**Body** No cap cuzz block box and that Glock Frl □□□□

**Author** Kanan Stark (Facebook: 100009133573248)  
**Sent** 2022-08-03 15:30:55 UTC  
**Body** Reacted ♥ to your message

**Author** Kanan Stark (Facebook: 100009133573248)  
**Sent** 2022-08-03 15:31:07 UTC  
**Body** What you up too family

**Author** Kanan Stark (Facebook: 100009133573248)  
**Sent** 2022-08-11 16:00:23 UTC  
**Body** What you wanted for ah zip

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-11 16:51:47 UTC  
**Body** 150 for you cousin

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-08-21 20:08:20 UTC  
**Body** We got them switches for 500 Cuzz back plates ones

**Author** Lyman Pleasant (Facebook: 100010881181418)  
**Sent** 2022-08-24 15:57:14 UTC  
**Body** []that boy shit spreaded longer didn't it[][][][]

**Author** Lyman Pleasant (Facebook: 100010881181418)  
**Sent** 2022-09-08 23:08:14 UTC  
**Body** 150[][][][][][][][]

**Author** Lyman Pleasant (Facebook: 100010881181418)  
**Sent** 2022-09-09 22:42:53 UTC  
**Body** Broo what them glocks go for ?

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-09-09 23:17:45 UTC  
**Body** I need one rn I gotta xd

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-09-09 23:17:55 UTC  
**Body** I gotta switch for sale 450 to you

**Author** Richard Sherman (Facebook: 100077773638561)  
**Sent** 2022-10-07 18:43:54 UTC  
**Body** You got same numba ?

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-10-07 18:44:09 UTC  
**Body** Can I grab one them buttons?

**Author** Denico Nehemiah Hudson (Facebook: 100004864418318)  
**Sent** 2022-10-07 18:44:15 UTC  
**Body** I'm sliding

**Author** Richard Sherman (Facebook: 100077773638561)  
**Sent** 2022-10-07 18:44:17 UTC  
**Body** Yea

**Thread** (811818985656908)

**Current** 2023-04-17 23:37:13 UTC

**Participants** Zebulon Rahman (Facebook: 100010045217098)

Denice Nehemiah Hudson (Facebook: 100004864418318)

**Author** Zebulon Rahman (Facebook: 100010045217098)

**Sent** 2022-11-05 01:31:24 UTC

**Body** U got the metals one for 300 ??

**Author** Denice Nehemiah Hudson (Facebook: 100004864418318)

**Sent** 2022-11-05 01:34:53 UTC

**Body** 800 for metal 3 for black plate

**Author** Zebulon Rahman (Facebook: 100010045217098)

**Sent** 2022-11-05 03:02:02 UTC

**Body** Wat the black plate like plastics one painted black ???

Photographs on the Defendant's Facebook account showed the Defendant brandishing large quantities of currency consistent with the volume of firearm transactions described by Sturgeon and the confidential witness and inconsistent with the limited employment claimed by the Defendant in undisputed portions of the Presentence Report.











Overall, the evidence supports the determinations in the Presentence Report that the Defendant, as part of his relevant conduct, is responsible for the enhancements involving more than 25 conversion devices, trafficking in such items, and possessing or transferring firearms in connection with other felony offenses.

The remaining objection deals with the two-level enhancement for obstruction of justice. This enhancement is supported by the Defendant's own jail calls and chirp messages sent to his associates. Those messages show the Defendant attempting to get someone to claim responsibility for a seized firearm in his state case that preceded the federal arrest. Worse, they show the Defendant repeatedly identifying another individual the Defendant perceived to be a key witness against him in the federal investigation and instructing associates to violently retaliate against that individual.

On August 10, 2023, the Defendant offered to pay for an associate's attorney if the associate would claim ownership of a firearm seized during the Defendant's arrest in Cincinnati. On August 13, 2023, the Defendant sent chirp messages from jail identifying a suspected cooperator against him in the federal case. On August 19, 2023, the Defendant called Damarion Arnold (Dada) and discussed the importance of the suspected cooperator in the Defendant's federal prosecution. They indicated that the only evidence against the Defendant was from the suspected cooperator and Arnold told the Defendant that the group intended to assault the suspected cooperator that night and take his vehicle.

The following day, the Defendant sent a chirp message to another identified associate referencing the suspected cooperator and stating, "He got get beat on." The associate responded by indicating that he had tried to do this the previous night. On August 23, 2023, the Defendant told an associate that the suspected individual was cooperating with law enforcement and instructed the associate, "y'all gotta tell the gang, man, storm that nigga." He again identified the same suspected cooperator as the reason the Defendant was in jail. The Defendant called one of the associates from prior

communications on August 24, 2023 and asked if that associate was aware of the Defendant's instructions from the prior day. The Defendant again explained how the suspected person was cooperating against the Defendant and said that he was sending discovery material to his mother that could be used to identify the cooperator. He asked if anyone had "beat on" the suspected cooperator yet. The Defendant again confirmed that he had previously told Arnold (Dada) to "beat on" the suspected cooperator.

On September 15, 2023, the Defendant called an associate and again discussed the involvement of the suspected cooperator. The associate confirmed that the group had been telling others about the cooperator and promised to injure that person. Based on the overall investigation, the Defendant's objection to the obstruction should be denied along with the objections to the other enhancements.

### **III. Sentencing Factor Analysis:**

The Defendant's advisory guideline range for this case is 108-120 months. The Defendant's personal characteristics support a sentence within the advisory guideline range. His youth is a favorable factor, but his drug use and lack of education or work experience heighten the risk of recidivism. The Defendant's criminal history is an additional concern when paired with his efforts to retaliate against the suspected cooperating witness. The Defendant has already been convicted of disorderly conduct stemming from an assault and carrying a concealed weapon while in a stolen car. He committed the weapons offense while out on bond for the prior offense. He was on probation when he committed the current federal offense. He has pending charges for improperly handling a firearm in a vehicle and aggravated menacing for threatening

someone with a handgun. The Defendant needs correctional treatment and training that can best be provided in a controlled setting during an extended period of incarceration.

The Defendant's current offense is extremely serious and supports a sentence within the advisory guideline range. The Defendant engaged in the illegal distribution of machinegun conversion devices to known gang members involved in illegal activities. Machinegun conversion devices such as those distributed by the Defendant are incredibly cheap to produce and profitable to distribute. They have been tied to numerous shootings in this area and pose significant dangers to innocent bystanders since they make it almost impossible to accurately aim handguns after installation.

Imposition of a sentence below the low end of the advisory guideline range outlined in the Presentence Report would create an unwarranted sentencing disparity and would not support the need to deter criminal conduct, promote respect for the law, and protect the public.

#### **IV. Conclusion:**

The United States recommends a sentence of 108 months in prison and three years of supervised release. The Court should recommend that this sentence should run consecutive to any sentence imposed for the pending Ohio cases. We ask the Court to require ongoing drug testing and treatment during the term of supervised release to mitigate the danger of future offenses.

Respectfully submitted,

CARLTON S. SHIER, IV  
UNITED STATES ATTORNEY

By: s/ Anthony J. Bracke  
Assistant United States Attorney  
207 Grandview Drive, Suite 400  
Ft. Mitchell, Kentucky 41017-2762  
(859) 652-7032  
Anthony.Bracke@usdoj.gov

**CERTIFICATE OF SERVICE**

On July 13, 2024, I electronically filed this notice through the ECF System, which will deliver a copy of the foregoing to counsel for the Defendant.

s/ Anthony J. Bracke  
Assistant United States Attorney