

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

CRIMINAL NO. 23-28-DLB-3

UNITED STATES OF AMERICA

PLAINTIFF

V.

SENTENCING MEMORANDUM

DEMARCO STURGEON

DEFENDANT

* * * * *

The Defendant is a young man with minimal criminal history and an unfortunate family background who worked with others to illegally distribute numerous machinegun conversion devices. The Court should impose a sentence of 70 months in prison and three years of supervised release in this case to run concurrently with the 70 month sentence imposed for Count 2 in the related matter (23-06-DLB-1) for a total sentence in both cases of 130 months and three years of supervised release.

I. Summary of offense:

The Defendant knowingly and voluntarily collaborated with others, including Isaiah Smith and Denico Hudson, to possess and transfer numerous machinegun conversion devices, commonly known as Glock switches or auto sears, to numerous individuals during the time alleged in the Indictment. Smith manufactured plastic conversion devices in Ohio and sold many of them to the Defendant in Kentucky. The Defendant then sold the bulk of them to Hudson and other customers in Northern

Kentucky and Southern Ohio. Hudson also assisted the Defendant in making multiple sales of these devices to other customers.

The devices at issue qualify as machineguns since they are designed to convert a semi-automatic pistol to fully automatic operation. All of them were created after 1986. None of the Defendants, nor their customers, complied with the requirements of the National Firearms Act and, therefore, were not lawfully permitted to possess the conversion devices.

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. The investigation was predicated on information from cooperating sources, who identified the Defendant 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 the Defendant was regularly trafficking in machinegun conversion devices supplied by Isaiah Smith and others. Agents obtained video showing the Defendant at Mark's Guns (a FFL in Florence, Kentucky) firing a handgun with a machinegun conversion device installed. A review of the Defendant's Facebook account revealed photos and videos of machinegun conversion devices, firearms, and illegal drugs and numerous messages sent by the Defendant 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 the Defendant agreed to meet Hudson to provide two black machinegun conversion

devices in exchange for a quantity of drugs; the Defendant indicated in the conversation that he intended to repackage the drugs for further distribution. The messages further revealed that the Defendant 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. The Defendant supplied Clifton Barnett and Cylis Rowe with firearm conversion devices that Barnett sold to others who could not lawfully possess them.

The Defendant admits that he was aware that members of the conspiracy distributed over 25 machinegun conversion devices during the charged time period. All members of the conspiracy were aware that they were distributing these devices to individuals who were using and disposing of them unlawfully.

During the execution of a search warrant on the Defendant's residence in Kenton County on January 25, 2023, agents located a firearm and a quantity of marijuana in his room. The Defendant 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. Smith frequently sold these devices to the Defendant in Covington, Kenton County, Kentucky.

According to the Defendant and Facebook communications, Hudson bought multiple machinegun conversion devices from the Defendant and paid him with money and drugs (marijuana and fentanyl). Hudson also sold these conversion devices and eventually served as a middleman for the Defendant who sold them to individuals in Cincinnati who were using them unlawfully.

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 the Defendant and to purchasing multiple firearms from him.

II. Objections to the Presentence Report:

The United States is not aware of any objections.

III. Sentencing Factor Analysis:

The Defendant's advisory guideline range for this case is 70-87 months. The Defendant's personal characteristics support a sentence at the low end of the advisory guideline range. He has a limited criminal history and his youth and family background help explain how the Defendant came to commit these offenses. His significant drug use, limited education, and lack of work skills or history of employment heighten the risk of recidivism and weigh against any requested downward variance in this action. The Defendant needs correctional treatment and training that can best be provided in a controlled setting.

The Defendant's current offenses are extremely serious and support a sentence toward the top of the advisory guideline range if considered in isolation. The Defendant engaged in large-scale firearm trafficking that encompassed ordinary firearms as well machinegun conversion devices. Multiple drug traffickers received firearms linked to

this conspiracy. 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. The Defendant also engaged in drug trafficking while in possession of firearms, an activity that poses significant risks to members of law enforcement and the general public. Imposition of a sentence below the low end of the advisory guideline range 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 70 months in prison and three years of supervised release. This should run concurrent with the 70 month sentence recommended for Count 2 in the companion case (23-06-DLB-1) for a total sentence of 130 months in prison and three years of supervised release. We ask the Court to recommend participation in the RDAP program and continuing drug testing and treatment during the term of supervised release to mitigate the danger of future offenses.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On March 18, 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