

APPENDIX A

THE OPINION OF THE UNITED STATES COURT OF APPEALS

**NONPRECEDENTIAL DISPOSITION**

To be cited only in accordance with FED. R. APP. P. 32.1

**United States Court of Appeals**

For the Seventh Circuit

Chicago, Illinois 60604

Submitted February 16, 2024

Decided February 20, 2024

**Before**MICHAEL Y. SCUDDER, *Circuit Judge*THOMAS L. KIRSCH II, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 22-2016

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,**v.*DENNIS GERMAN,  
*Defendant-Appellant.*Appeal from the United States District  
Court for the Northern District of  
Illinois, Eastern Division.

No. 20 CR 330-1

Matthew F. Kennelly,  
*Judge.***ORDER**

Dennis German pleaded guilty to several drug and firearm offenses. The district court sentenced him to 13 years' imprisonment, below the applicable range under the Sentencing Guidelines. German appeals, but his appointed counsel asserts that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738 (1967). German responded to counsel's motion and proposed issues that he wishes to raise on appeal. *See* CIR. R. 51(b). Because counsel explains the nature of the case, addresses the

## UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen  
United States Courthouse  
Room 2722 - 219 S. Dearborn Street  
Chicago, Illinois 60604



Office of the Clerk  
Phone: (312) 435-5850  
[www.ca7.uscourts.gov](http://www.ca7.uscourts.gov)

## FINAL JUDGMENT

February 20, 2024

Before

MICHAEL Y. SCUDDER, *Circuit Judge*THOMAS L. KIRSCH II, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 22-2016	UNITED STATES OF AMERICA, Plaintiff - Appellee
	v.  DENNIS GERMAN, Defendant - Appellant
<b>Originating Case Information:</b>	
District Court No: 1:20-cr-00330-1 Northern District of Illinois, Eastern Division District Judge Matthew F. Kennelly	

The appeal is DISMISSED, in accordance with the decision of this court entered on this date.

A handwritten signature in cursive script, reading "Christopher Conway".

Clerk of Court

No. 22-2016

Page 2

potential issues that the appeal might involve, and appears to analyze the issues thoroughly, we limit our review to the subjects that counsel and German discuss. *See United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014).

German operated a drug-trafficking business out of his residence, where he sold heroin, cocaine, and fentanyl. German was charged with three co-defendants in a 12-count superseding indictment. Four counts are relevant to this appeal: Count 7, knowingly using a residence for the purpose of manufacturing and distributing a controlled substance, 21 U.S.C. § 856(a)(1); Count 10, possessing a firearm as a felon, 18 U.S.C. § 922(g)(1); Count 11, possessing with intent to distribute heroin and fentanyl, 21 U.S.C. § 841(a)(1); and Count 12, possessing a firearm in furtherance of a drug-trafficking crime, 18 U.S.C. § 924(c)(1)(A).

Through his retained counsel at the time, German filed two motions to suppress evidence. He first argued that federal agents violated the Fourth Amendment by installing and using a surveillance camera outside his house. The agents had provided video of German shooting a gun into the air outside his house to officers from the Midlothian Police Department, who used the evidence to obtain a search warrant for the inside of the house. During their search, the officers recovered drugs and firearms. The district court denied the motion to suppress, concluding that German had no reasonable expectation of privacy in the open area outside his house.

German also sought to suppress evidence from another search of his home by Midlothian police officers; he argued that their search warrant, which they obtained after conducting numerous controlled buys, was invalid. German asserted that the officers acted outside of their geographic jurisdiction under Illinois law while conducting the controlled buys. The court denied the motion, ruling that even if the officers violated state law, they did not violate German's federal constitutional rights, and thus German lacked a legal basis in this federal case to suppress the evidence.

German's retained counsel then moved to withdraw, in part because counsel did not support German's continued interest in filing motions to suppress. The court denied the motion to withdraw but allowed German to file a pro se suppression motion. In that motion, German raised the same arguments about the surveillance camera and the controlled buys, and the court denied the motion for the same reasons as before.

German then filed another pro se motion to suppress, primarily raising the same arguments. In a minute entry, the court noted that it had not given German leave to file another pro se motion, but that it would nevertheless address the motion at a final pretrial conference. At that conference, however, the parties informed the court that they were working on a plea agreement, and so the court did not rule on the motion.

German entered into a written plea agreement with the government under which he would plead guilty to four counts related to drugs and firearms: Counts 7, 10, 11, and 12. Five days before the trial was set to begin, the court held a change of plea hearing. Another district judge substituted for the presiding judge at the hearing. The court asked counsel whether there were any outstanding motions. Counsel mentioned the second pro se motion to suppress but stated that he had discussed with German "that a guilty plea means that he won't get a final conclusion" on the motion. The court then engaged in a colloquy with German, inquiring about his state of mind and reasons for pleading guilty, explaining the charges and penalties, and describing the rights he gave up by pleading guilty. The government described the factual basis for the four counts and the relevant conduct that German was admitting. German affirmed that he was pleading guilty, and the court accepted the plea.

Three weeks later, German filed a motion to withdraw the plea, and German's counsel moved again to withdraw representation. At a hearing, German told the court (the presiding judge) that the plea agreement was "forced upon" him, and that he "didn't really understand it." He also stated that he wanted a ruling on his second pro se motion to suppress, and that he pleaded guilty only because counsel had told him that the court had denied that motion. Finally, he asserted that counsel had misinformed him about the length of the mandatory minimum sentence for defendants convicted of multiple counts of possessing a firearm in furtherance of a drug-trafficking crime. (German initially had been charged with two violations of § 924(c), but he ultimately pleaded guilty to just one such count.)

The court continued counsel's motion to withdraw representation and denied German's motion to withdraw the guilty plea. The court explained that German had

been under oath during the plea colloquy, and he had testified that he was entering the plea knowingly and voluntarily. Further, there was no evidence that counsel had misinformed German about the penalties he faced. Last, the court noted that German had improperly filed the second pro se motion to suppress and that, in any event, the court would have denied the motion if the case had proceeded.

German then moved again to withdraw his guilty plea, reasserting two of the same arguments: Counsel had incorrectly told him that the court had denied his second pro se motion to suppress, and counsel had provided inaccurate information about the possible penalties he faced for the § 924(c) counts. The court held a hearing. It observed that during the change of plea hearing, German's lawyer had told the court that the motion to suppress was still pending. German said that he had not heard this, but the court discredited him. Next, the court heard testimony from German, his counsel, and his counsel's colleague. The court believed counsel's testimony that he had accurately explained the possible penalties associated with the § 924(c) charges. The court thus denied German's motion to withdraw his guilty plea, granted counsel's motion to withdraw representation, and appointed new counsel.

In preparation for sentencing, the probation office submitted a presentence investigation report (PSR) that described relevant conduct warranting upward adjustments to German's offense level under the Sentencing Guidelines. With these adjustments, German had a total offense level of 32 and a criminal history category of III, and thus a guidelines imprisonment range of 151 to 188 months (plus a consecutive 5-year term for the § 924(c) offense). German objected to several of the adjustments, arguing that his offense level was 25 and that his guidelines range was instead 70 to 87 months.

At the sentencing hearing, the court heard argument on German's objections to the adjustments and ultimately adopted the calculations in the PSR. First, regarding a two-level increase for German's leadership role in the drug operation, *see* U.S.S.G. § 3B1.1(c), German argued that he ran his own operation without help. The court disagreed, citing video of German directing others to measure and distribute drugs. Next, based on German's involvement in a high-speed car chase that preceded his arrest, the court considered a two-level increase for recklessly creating a substantial risk of death or serious bodily injury. *See* U.S.S.G. § 3C1.2. German argued that he was not driving and was not responsible for the chase. But an officer involved in the chase testified at the sentencing hearing that he saw German driving the car. The court found

No. 22-2016

Page 5

by a preponderance of the evidence—including the officer’s testimony and the fact that the car was registered to German—that German was the driver.

The court next considered a two-level increase for obstruction of justice, based on evidence that German had tried to convince a third party to take responsibility for a gun recovered from his house. *See* U.S.S.G. § 3C1.1. German argued that he had been trying to prove that he had not stolen the firearm by establishing that it belonged to his associate. But the court ruled that the context of the entire conversation provided sufficient evidence that German wanted the associate to “take responsibility for the firearm in a way that would not be accurate.” Finally, the court considered German’s argument that the PSR should have included a three-level reduction for acceptance of responsibility and timely notification. *See* U.S.S.G. § 3E1.1(a), (b). The court ruled that no reduction was warranted because German had consistently demonstrated through his submissions to the court that he was unwilling to admit the offense conduct.

Having resolved German’s objections to the guidelines calculations, the court imposed a sentence totaling 13 years’ imprisonment. The court weighed the sentencing factors under 18 U.S.C. § 3553(a), observing the seriousness of German’s crimes and the harm that he had caused, but noting in mitigation that he had the support of his family and the potential to change. Concluding that the guidelines range (151 to 188 months) was excessive in this case, the court imposed a term of 96 months’ imprisonment for Counts 7, 10, and 11. The court then imposed a consecutive sentence of five years’ imprisonment for Count 12 (possessing a firearm in furtherance of a drug-trafficking crime). *See* 18 U.S.C. § 924(c)(1)(A)(i), (c)(1)(D)(ii). Finally, the court granted the government’s motion for a preliminary order of forfeiture (covering several guns and around \$80,000 in cash), imposed a \$400 special assessment, and imposed three years of supervised release to follow the prison term.

On appeal, counsel reports that, although German told her that he does not wish to withdraw his guilty plea, he wants to raise three arguments that affect the validity of his convictions, and counsel therefore discusses whether German could raise a nonfrivolous challenge to the plea. *See United States v. Konczak*, 683 F.3d 348, 349 (7th Cir. 2012). According to counsel, German wants to argue that: (1) trial counsel misadvised him about the potential penalties that he faced; (2) trial counsel erroneously told him that his second pro se motion to suppress had been denied; and (3) he is innocent of the § 924(c) offense.

We agree with counsel that challenging the plea would be pointless. To begin, the transcript of the plea hearing shows that the district court complied with all requirements of Federal Rule of Criminal Procedure 11, including by explaining the charges, the minimum and maximum penalties that he faced, and the rights he would give up by forgoing a trial. *See* FED. R. CRIM. P. 11(b)(1). The court also confirmed that German's guilty plea did not result from threats or promises other than those in the agreement, that there was a factual basis for the plea, and that German pleaded guilty because he committed the alleged acts. *See* FED. R. CRIM. P. 11(b)(2), (3).

Regarding the contentions that German would like to raise about trial-counsel's advice, it would not behoove him to assert an ineffective-assistance claim in a direct appeal. Such a claim is best reserved for collateral review, when a more complete record can be developed. *See Massaro v. United States*, 538 U.S. 500, 504–05 (2003); *United States v. Cates*, 950 F.3d 453, 457 (7th Cir. 2020) (“[W]e have repeatedly warned defendants against bringing ineffective-assistance claims on direct appeal” because the claim may not be presented a second time on collateral attack under 28 U.S.C. § 2255). Even if German confined his arguments on appeal to counsel's assistance with the plea agreement, he could not later assert *any* ineffective-assistance claim. *See Peoples v. United States*, 403 F.3d 844, 848 (7th Cir. 2005) (“[I]neffective assistance of counsel is a single ground for relief” and defendant cannot raise new “failings” of counsel in serial motions). To the extent that German wishes to argue ineffective assistance of counsel, it is not properly raised on direct appeal.

As for German's other argument for withdrawing his plea agreement—that he is innocent of Count 12, possessing a firearm in furtherance of a drug-trafficking crime, *see* 18 U.S.C. § 924(c)(1)(A)—our review would be for plain error because he did not raise this argument in his plea-withdrawal motions. *United States v. Stapleton*, 56 F.4th 532, 539 (7th Cir. 2022). Counsel informs us that German believes that his possessing a gun and trafficking drugs were unrelated conduct. But German admitted in his plea agreement that he stored the gun in his mattress along with several bags of drugs, and that he possessed it to protect himself and his narcotics. *See United States v. Perryman*, 20 F.4th 1127, 1134–35 (7th Cir. 2021) (accessibility of firearm and its proximity to drugs support “in furtherance of” element). And, in response to remarks from German at the change of plea hearing, both the court and counsel clarified that Count 12 charged German with possessing a weapon to protect his drug business. German replied that he understood the charge and wished to plead guilty. That statement, under oath, carries a “presumption of verity.” *United States v. Patterson*, 576 F.3d 431, 437 (7th Cir. 2009).



Having concluded that there is no nonfrivolous ground on which to challenge the guilty plea, counsel next considers arguments about the sentence, beginning with potential procedural errors. Counsel first discusses whether German could plausibly argue that it was error to apply upward adjustments to his offense level under the Guidelines. ~~We would review the court's factual findings for clear error and its~~ application of the Guidelines de novo. *United States v. Price*, 28 F.4th 739, 754 (7th Cir. 2022). It would be frivolous to challenge the adjustments. First, a two-level increase for a leadership role is proper if the defendant "tells people what to do and determines whether they've done it." *United States v. Anderson*, 988 F.3d 420, 428 (7th Cir. 2021); see U.S.S.G. § 3B1.1(c). We would conclude that the court properly applied this enhancement based on video of German directing others to weigh and package drugs.

Second, a two-level increase is proper if the defendant recklessly created a substantial risk of death or serious bodily injury while fleeing law enforcement. See U.S.S.G. § 3C1.2; *United States v. Brown*, 716 F.3d 988, 995–96 (7th Cir. 2013). German admitted that he was in the fleeing car, and we see no clear error in the court's finding, based in part on an officer's testimony, that German was the driver. See *United States v. Ranjel*, 872 F.3d 815, 821 (7th Cir. 2017) (sentencing judge's credibility determination is "entitled to exceptional deference").

Third, a two-level increase for obstruction of justice is proper if a defendant has "attempted to obstruct or impede ... the administration of justice with respect to the investigation, prosecution, or sentencing of the instant offense of conviction." U.S.S.G. § 3C1.1. One method of obstructing justice is "attempting to suborn perjury" when the perjury "pertains to conduct that forms the basis of the offense of conviction." U.S.S.G. § 3C1.1 cmt. n.4(B). German was charged with possessing a firearm as a felon, 18 U.S.C. § 922(g)(1), and while he was detained, he asked a co-defendant to take responsibility for the firearm. We would conclude that this enhancement was proper because German's efforts "could [have] affect[ed], to some reasonable probability, the outcome of the judicial process." See *United States v. DeLeon*, 603 F.3d 397, 404 (7th Cir. 2010) (quoting *United States v. Mayberry*, 272 F.3d 945, 949 (7th Cir. 2001)).

Fourth, a two-level reduction of a defendant's offense level is appropriate only "[i]f the defendant clearly demonstrates acceptance of responsibility for his offense." U.S.S.G. § 3E1.1(a). German's motions to withdraw his guilty plea were on their own sufficient grounds to withhold this adjustment. See *United States v. Collins*, 796 F.3d 829, 836 (7th Cir. 2015). And because German did not receive an adjustment for acceptance

of responsibility, he could not receive an adjustment for timely notifying authorities of his intention to plead guilty. U.S.S.G. § 3E1.1(b).

Like counsel, we also see no issues to raise about the remaining sentencing calculations. The court correctly determined that German's total offense level of 32 and criminal history category of III yielded a guidelines imprisonment range of 151 to 188 months. U.S.S.G. ch. 5, pt. A. The below-guidelines prison term of 96 months was also below the statutory maximums for Count 7 (21 U.S.C. § 856(b), 20 years), Count 10 (18 U.S.C. § 924(a)(2), 10 years), and Count 11 (21 U.S.C. § 841(b)(1)(C), 20 years). And the court was required to add a five-year consecutive sentence for Count 12. *See* 18 U.S.C. § 924(c)(1)(A)(i), (c)(1)(D)(ii).

Counsel identifies no other potential procedural errors and further concludes that German cannot make a nonfrivolous argument that his sentence was substantively unreasonable. We agree. The court properly discussed the sentencing factors under 18 U.S.C. § 3553(a), and we would not reweigh those factors. *See United States v. De La Torre*, 940 F.3d 938, 954 (7th Cir. 2019). Moreover, German received a below-guidelines sentence, which will almost never be unreasonably high. *Id.* Nothing suggests that this is an extraordinary case.

Finally, we note that in German's response under Circuit Rule 51(b), he proposes arguments, for the first time, about the scope of the relevant conduct attributed to him for purposes of adjusting his offense level and entering a preliminary order of forfeiture. But the PSR discussed German's relevant conduct, and he never objected—either in his written response or at the sentencing hearing. And when asked at the hearing whether there were objections or corrections to the PSR, counsel replied that German's only objections were in the written submission. Thus, these arguments are waived. *See United States v. Robinson*, 964 F.3d 632, 639–41 (7th Cir. 2020) (applying waiver where defendant knew contents of PSR, knew of his right to object, and affirmatively stated that he did not object).

Accordingly, we GRANT counsel's motion to withdraw and DISMISS the appeal.

APPENDIX B

THE OPINION OF THE UNITED STATES DISTRICT COURT

**UNITED STATES DISTRICT COURT**  
Northern District of Illinois

UNITED STATES OF AMERICA

v.

DENNIS GERMAN

**AMENDED JUDGMENT IN A CRIMINAL CASE**

Case Number: 1:20-CR-00330(1)

USM Number: 55060-424

John C. Legutki  
Defendant's Attorney

**Date of Original Judgment: 6/2/2022**  
**(Or Date of Last Amended Judgment)**

**Reason for Amendment:**

- |   |  |
|---|--|
| <input type="checkbox"/> Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))              | <input type="checkbox"/> Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))  |
| <input type="checkbox"/> Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))     | <input type="checkbox"/> Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))                        |
| <input type="checkbox"/> Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))          | <input type="checkbox"/> Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))       |
| <input checked="" type="checkbox"/> Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36) | <input type="checkbox"/> Direct Motion to District Court Pursuant <input type="checkbox"/> 28 U.S.C. § 2255 or <input type="checkbox"/> 18 U.S.C. § 3559(c)(7) |
|   | <input type="checkbox"/> Modification of Restitution Order (18 U.S.C. § 3664)  |

**THE DEFENDANT:**

- ☒ pleaded guilty to count(s) seven (7s), ten (10s), eleven (11s), and twelve (12s) of the superseding indictment.
- ☐ pleaded nolo contendere to count(s) which was accepted by the court.
- ☐ was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section / Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. § 856(a)(1), 21 U.S.C. § 856(b) Operation of a Stash House	06/30/2020	7s
18 U.S.C. § 922(g)(1), 18 U.S.C. § 924(a)(2) Felon in Possession of a Firearm	06/30/2020	10s
21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(C) Possession With Intent to Distribute Heroin and Fentanyl	06/30/2020	11s
18 U.S.C. § 924(c)(1)(A) Possession of a Firearm in Furtherance of a Drug Trafficking Crime	06/30/2020	12s

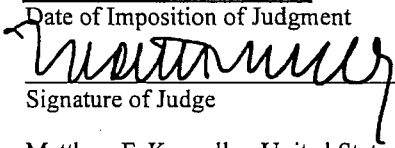
The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. **Other than the amendments or modifications stated in this judgment, the judgment previously entered shall stand. (See attachments)**

- ☐ The defendant has been found not guilty on count(s)
- ☒ Any and all remaining counts are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

June 3, 2022

Date of Imposition of Judgment

  
Signature of Judge

Matthew F. Kennelly, United States District Judge  
Name and Title of Judge

6-6-2022  
Date

APPENDIX C

THE OPINION OF THE UNITED STATES COURT OF APPEALS EN BANC

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

March 19, 2024

Before

---

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

---

DORIS L. PRYOR, *Circuit Judge*

No. 22-2016

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
*v.*

Appeal from the United States District  
Court for the Northern District of Illinois,  
Eastern Division.

DENNIS GERMAN,  
*Defendant-Appellant.*

No. 1:20-cr-00330-1

Matthew F. Kennelly,  
*Judge.*

## ORDER

On consideration of the petition for rehearing filed by defendant-appellant on March 05, 2024, all members of the original panel have voted to deny the petition for rehearing.

Accordingly, the petition for rehearing is hereby DENIED.

3/25/2024

APPENDIX D

THE JUDICIAL NOTICE REQUEST

ARREST DATE: 07/26/2019

ARREST CASE NUMBER: 19M017834

M/  
GET 10.17.28 01/11/20 ILIII0000  
ILATF21SS

Severity PETTY OFFENSE P  
Disposition ( 2019-01-02; DIRECT FILED WITH COURT)  
Charge 3  
Charge Tracking Number G19750510  
Charge Literal OPERATE UNINSURED MTR VEHICLE  
Statute (625 ILCS 5.0/3-707 IL)  
NCIC Offense Code 5499  
NCIC Offense Text TRAFFIC OFFENSE  
Severity PETTY OFFENSE U  
Disposition ( 2019-01-02; DIRECT FILED WITH COURT)  
===== Cycle 013 =====  
Tracking Number G19846040  
Earliest Event Date 2019-07-26  
-----  
Arrest Date 2019-07-26  
Arrest Case Number 19M017834  
Arresting Agency IL0167000 MIDLOTHIAN POLICE DEPARTMENT  
MIDLOTHIAN  
Subject's Name DENNIS L GERMAN  
Charge 1  
Charge Tracking Number G19846040  
Charge Literal AGGRAVATED FLEEING POLICE  
Statute (625 ILCS 5.0/11-204.1-A-1 IL)  
NCIC Offense Code 5499  
NCIC Offense Text TRAFFIC OFFENSE  
Severity FELONY 4  
Charge 2  
Charge Tracking Number G19846040  
Charge Literal MAN/DEL CONTROL SUBSTANCES  
Statute (720 ILCS 570.0/401-C-2 IL)  
NCIC Offense Code 3599  
NCIC Offense Text DANGEROUS DRUGS  
Severity FELONY 1  
Charge 3  
Charge Tracking Number G19846040  
Charge Literal MANF/DEL CANNABIS/30-500 GRAMS  
Statute (720 ILCS 550.0/5-D IL)  
NCIC Offense Code 3564  
NCIC Offense Text MARIJUANA  
Severity FELONY 3  
Charge 4  
Charge Tracking Number G19846040  
Charge Literal DRIVING 1-10 MPH ABOVE LIMIT  
Statute (625 ILCS 5.0/11-601-B IL)  
NCIC Offense Code 5499  
NCIC Offense Text TRAFFIC OFFENSE  
Severity PETTY OFFENSE P  
Charge 5  
Charge Tracking Number G19846040  
Charge Literal WEARING HEADSETS WHILE DRIVING  
Statute (625 ILCS 5.0/12-610 IL)  
NCIC Offense Code 5499  
NCIC Offense Text TRAFFIC OFFENSE  
Severity PETTY OFFENSE P  
-----  
Prosecutor Disposition (Cycle 013)  
Prosecutor Agency IL016013A COOK COUNTY STATE'S ATTORNEY CHICAGO  
Subject's Name DENNIS L GERMAN  
Charge 1  
Charge Tracking Number G19846040  
Charge Literal AGGRAVATED FLEEING POLICE  
Statute (625 ILCS 5.0/11-204.1-A-1 IL)  
NCIC Offense Code 5499  
NCIC Offense Text TRAFFIC OFFENSE  
Severity FELONY 4  
Disposition ( 2019-07-26; DIRECT FILED WITH COURT)  
Charge 2  
Charge Tracking Number G19846040  
Charge Literal MAN/DEL CONTROL SUBSTANCES  
Statute (720 ILCS 570.0/401-C-2 IL)  
NCIC Offense Code 3599  
NCIC Offense Text DANGEROUS DRUGS  
Severity FELONY 1  
Disposition ( 2019-07-26; DIRECT FILED WITH COURT)  
Charge 3  
Charge Tracking Number G19846040  
Charge Literal MANF/DEL CANNABIS/30-500 GRAMS  
Statute (720 ILCS 550.0/5-D IL)  
NCIC Offense Code 3564

CH\_001-000020



APPENDIX E

THE CERTIFIED INTERVENING ARREST RECORDS

# FELONY MINUTE SHEET FORM 101

COURT: 6-220

ASA Case Number: \_\_\_\_\_

I. R. NUMBER	DEFENDAN(S)	AGE	DATE OF ARREST	CHARGE(S)
19 - M29204	Dennis L. German	33	11/26/19	Armed Violence
				U.U.W. Felon
				Poss. Int. Del. Heroin
				Poss. Int. Del. Cocaine

DATE OF OFFENSE: 11 / 26 / 19 TIME: 0608 HRS PLACE: 13632 Kedvale Robbins, IL

THE FACTS BRIEFLY STATED ARE AS FOLLOWS: R/O conducted a narcotics search warrant at 13632

Kedvale Robbins, IL for the premise of 13632 Kedvale and person of Dennis L. German. SSERT Operator Humpich

observed Dennis toss a firearm being a loaded Smith & Wesson M&P 9mm Pistol upon our arrival as he exited a vehicle

in the driveway and proceeded to flee into the home. Cocaine (15-100 grams) and heroin (1-15grams) were located inside

the home along with scales with residue which was field tested with a positive result for cocaine on one, and heroin on

another. Along with narcotics packaging being a large quantity of clear bags commonly used to package narcotics, and in

excess of \$52000.00 USC. Three additional loaded firearms were also located within the residence. Dennis was Mirandized

at 0930 hours and denied selling narcotics but admitted using cocaine, and denied knowledge of firearms other than a rifle

he stated was his fathers. ASA Jasmine Morgan was contacted and approved charges for armed violence and U.U.W. felon

at 1516 hours.

## WITNESSES: (LIST IN ORDER)

NAME (FIRST NAME, LAST NAME)	ADDRESS	CITY & STATE	PHONE NO.
Ofc. Kickert #38 Midlothian Police Dept.	14801 s. Pulaski Rd.	Midlothian, IL. 60445	( 708 ) 385- 2534
Det. J. Studlow #22	14801 s. Pulaski Rd.	Midlothian, IL. 60445	( 708 ) 385- 2534
Ofc. Scully #53	14801 s. Pulaski Rd.	Midlothian, IL. 60445	( 708 ) 385- 2534
Det. Sgt. A. Thibo #06	14801 s. Pulaski Rd.	Midlothian, IL. 60445	( 708 ) 385- 2534
Ofc. Blanchard #26	14801 s. Pulaski Rd.	Midlothian, IL. 60445	( 708 ) 385- 2534
Ofc. Humpich #105 Riverdale Police Dept.	725 W. 138th Street	Riverdale, IL 60827	( 708 ) 841- 2203
Ofc. Masucci #126 Dolton Police Dept.	14030 Park Ave	Dolton, IL 60419	( 708 ) 841- 2533
Jaquel D. Dochee	7959 Northwoods	Frankfort, IL 60423	( 773 ) 571- 5852

BOND: \$ \_\_\_\_\_

A.S.A. \_\_\_\_\_

DATE: \_\_\_\_\_

MPD-048

ADDITIONAL INFORMATION ON NEXT PAGE YES ☐ NO ☐

MPD\_001-000013

6-220  
(Court Branch)

To Be Determined  
(Court Date)

16501 Kedzie in Markham, IL 60426  
(Court Location)

FELONY

CCCR N662-125M-6/28/02 (23440565)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of Illinois  
Plaintiff

COMPLAINT FOR PRELIMINARY EXAMINATION

v.

NO. \_\_\_\_\_

Dennis L. German  
Defendant

Ofc. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states that

Dennis L. German  
(Defendant)

13632 S. Kedvale Avenue Robbins, IL 60472  
(Address)

has, on or about

11/26/2019  
(Date)

at

13632 S. Kedvale Avenue Robbins, IL 60472  
(Place of offense)

committed the offense of Possession With Intent To Manufacture or Deliver a Controlled Substance in that he/she  
said defendant Dennis L. German, possessed more than 1 gram and less than 15 grams of Heroin along with scales and packaging  
materials with the intent to manufacture or deliver a controlled substance.

In violation of 720 ILCS  
(Chapter)

570 / 401-C-1  
(Act) (Section)

--	--	--	--	--	--	--	--

CHARGE CODE

*[Signature]*  
(Complainant's Signature)

STATE OF ILLINOIS } ss  
COOK COUNTY

14801 S. Pulaski Road  
(Complainant's Address)

708-385-2534  
(Telephone No.)

Ofc. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

being first duly sworn,  
complaint by him/her subscribed and that the same is true.

on oath, deposes and says the he/she read the foregoing

*[Signature]*  
(Complainant's Signature)

Subscribed and sworn to before me November 26th

For D. Brown

2019

(Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

Summons issued, Judge \_\_\_\_\_

or

Warrant issued, Bail set at \_\_\_\_\_

or

Bail set at \_\_\_\_\_

Judge \_\_\_\_\_

Judge's No. \_\_\_\_\_

Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

☐ COURT FILE COPY

☐ DEFENDANT COPY

☐ COOK COUNTY DOC

MPD\_001-000014

6-220  
(Court Branch)

To Be Determined  
(Court Date)

16501 Kedzie in Markham, IL 60426  
(Court Location)

FELONY

CCCR N682-125M-6/28/02 (23440565)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of Illinois  
Plaintiff

COMPLAINT FOR PRELIMINARY EXAMINATION

v.

NO. \_\_\_\_\_

Dennis L. German  
Defendant

Ofc. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states that

Dennis L. German  
(Defendant)

13632 S. Kedvale Avenue Robbins, IL 60472  
(Address)

has, on or about

11/26/2019  
(Date)

at 13632 S. Kedvale Avenue Robbins, IL 60472  
(Place of offense)

committed the offense of Possession With Intent To Manufacture or Deliver a Controlled Substance in that he/she said defendant Dennis L. German, possessed more than 15 grams and less than 100 grams of Cocaine along with scales and packaging materials with the intent to manufacture or deliver a controlled substance.

in violation of 720 ILCS 570 / 401-A-2(a)  
(Chapter) (Act) (Section)

--	--	--	--	--	--	--	--

CHARGE CODE

STATE OF ILLINOIS } ss  
COOK COUNTY

14801 S. Pulaski Road 708-385-2534  
(Complainant's Address) (Telephone No.)

Ofc. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

being first duly sworn, \_\_\_\_\_  
complaint by him/her subscribed and that the same is true.

on oath, deposes and says the he/she read the foregoing

[Signature]  
(Complainant's Signature)

Subscribed and sworn to before me November 26th

For D. Brown

[Signature]  
(Judge or Clerk)

2019

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

Summons Issued, Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_  
or  
Warrant Issued, Bail set at, \_\_\_\_\_  
or  
Bail set at \_\_\_\_\_ Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

☐ COURT FILE COPY

☐ DEFENDANT COPY

☐ COOK COUNTY DOC

MPD\_001-000015

6-220  
(Court Branch)

To Be Determined  
(Court Date)

16501 Kedzie in Markham, IL 60426  
(Court Location)

FELONY

CCCR N562-125M-6/28/02 (23440565)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of Illinois  
Plaintiff

COMPLAINT FOR PRELIMINARY EXAMINATION

v.

NO. \_\_\_\_\_

Dennis L. German  
Defendant

Ofc. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states that

Dennis L. German  
(Defendant)

13632 S. Kedvale Avenue Robbins, IL 60472  
(Address)

has, on or about

11/26/2019  
(Date)

at

13632 S. Kedvale Avenue Robbins, IL 60472  
(Place of offense)

committed the offense of UUW - Felon In that he/she  
Said defendant Dennis L. German, committed the offense of UUW Felon in that he possessed a loaded firearm on his person being a  
Smith & Wesson bodyguard 9mm pistol after having been convicted of felonies for Predatory Criminal Sexual Assault / Child  
under case number 04CR0828901 and Possession of Contraband in a penal institution under 2006CR026460.

In violation of 720  
(Chapter)

ILCS

(Act)

5.0 / 24-1.1(A)

(Section)

--	--	--	--	--	--	--	--

CHARGE CODE

[Signature]  
(Complainant's Signature)

STATE OF ILLINOIS } ss  
COOK COUNTY

14801 S. Pulaski Road  
(Complainant's Address)

708-385-2534  
(Telephone No.)

Ofc. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

being first duly sworn,  
complaint by him/her subscribed and that the same is true.

on oath, deposes and says the he/she read the foregoing

[Signature]  
(Complainant's Signature)

Subscribed and sworn to before me November 26th

2019

For D. Brown

[Signature]  
(Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

Summons issued,  
or  
Warrant issued,  
or  
Bail set at

Judge

Bail set at,

Judge

Judge's No.

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

☐ COURT FILE COPY

☐ DEFENDANT COPY

☐ COOK COUNTY DOC

MPD\_001-000016

6-220  
(Court Branch)

To Be Determined  
(Court Date)

16501 Kedzie in Markham, IL 60426  
(Court Location)

FELONY

CCCR N662-125M-6/28/02 (23440565)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of Illinois  
Plaintiff  
v.

COMPLAINT FOR PRELIMINARY EXAMINATION

NO. \_\_\_\_\_

Dennis L. German  
Defendant

Ofc. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states that

Dennis L. German  
(Defendant)

13632 S. Kedvale Avenue Robbins, IL 60472  
(Address)

has, on or about

11/26/2019  
(Date)

at

13632 S. Kedvale Avenue Robbins, IL 60472  
(Place of offense)

committed the offense of Armed Violence in that he/she  
said defendant Dennis L. German, committed the offense of armed violence in that he possessed a loaded handgun which is a  
category I weapon while committing a violation of subsection 401 of the Illinois Controlled Substances Act being the manufacture  
and delivery of heroin and cocaine.

in violation of 720 ILCS 5.0/33(a)(3)(d)  
(Chapter) (Act) (Section)

--	--	--	--	--	--	--	--

CHARGE CODE

[Signature]  
(Complainant's Signature)

STATE OF ILLINOIS } ss  
COOK COUNTY

14801 S. Pulaski Road 708-385-2534  
(Complainant's Address) (Telephone No.)

Ofc. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

being first duly sworn,  
complaint by him/her subscribed and that the same is true.

on oath, deposes and says the he/she read the foregoing

[Signature]  
(Complainant's Signature)

Subscribed and sworn to before me November 26th

2019

For D. Brown

[Signature]  
(Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there  
is probable cause for filing same. Leave is given to file said complaint.

Summons Issued, Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_  
or  
Warrant Issued, Bail set at \_\_\_\_\_  
or  
Bail set at \_\_\_\_\_ Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

☐ COURT FILE COPY

☐ DEFENDANT COPY

☐ COOK COUNTY DOC

MPD\_001-000017

6-220 To Be Determined IL0167000 16501 Kedzie, Markham, IL TBD  
(Court Branch # or District #) (Court Date/Time) (Arresting Agency #) (Court Location) (Room #)

MISDEMEANOR COMPLAINT (This form replaces CCG-0655 & CCMC-0225)

(5/22/97) CCCR-0655

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

NO. \_\_\_\_\_

Dennis L. German

Defendant.

Ofc. Kickert #38 Midlothian Police Department

(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states the following:

That: Dennis L. German of 13632 S. Kedvale Ave. Robbins, IL 60472 has, on or about  
(defendant) (address)

11/26/2019 at the location of 13632 S. Kedvale Ave. Robbins, Cook County, IL 60472  
(date) (place of offense)

committed the offense(s) of Possession of Drug Paraphernalia

in that he/she said defendant Dennis L. German, possessed drug paraphernalia being numerous plastic bags for packaging narcotics, and multiple digital scales with residue present that tested positive for cocaine and heroin.

in violation of 720 Illinois Compiled Statutes 600 / 3.5(a)  
(Chapter) (Act) (Sub Section)

AOIC Code:

--	--	--	--	--	--	--	--

STATE OF ILLINOIS } ss  
COOK COUNTY

(Complainant's Signature)

14801 S. Pulaski Road Midlothian, IL 60445

(Complainant's Address)

708-385-2534

(Complainant's Telephone)

Ofc. Kickert #38 Midlothian Police Department

(Complainant's Name Printed or Typed)

The complainant, being first duly sworn on oath, deposes and says that he/she read the foregoing complaint by him/her subscribed and that the same is true.

(Complainant's Signature)

Subscribed and sworn to before me on this 26th day of November, 2019

For D. Brown

(Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon; and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_  
or

WARRANT ISSUED, Bail set at: \_\_\_\_\_

or

BAIL SET AT: \_\_\_\_\_ Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MPD\_001-000018

6-220 To Be Determined IL0167000 16501 Kedzie, Markham, IL TBD  
(Court Branch # or District #) (Court Date/Time) (Arresting Agency #) (Court Location) (Room #)

MISDEMEANOR COMPLAINT (This form replaces CCG-0655 & CCMC-0225)

(5/22/97) CCCR-0655

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

NO. \_\_\_\_\_

Dennis L. German

Defendant.

Ofc. Kickert #38 Midlothian Police Department

(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states the following:

That: Dennis L. German of 13632 S. Kedvale Ave. Robbins, IL 60472 has, on or about  
(defendant) (address)

11/26/2019 at the location of 13632 S. Kedvale Ave. Robbins, Cook County, IL 60472  
(date) (place of offense)

committed the offense(s) of Unlawful Possession of Ammunition - No FOID Card

in that he/she said defendant Dennis L. German, a convicted felon, possessed ammunition without first obtaining a valid Illinois Firearms Owner Identification card being (4) boxes of pistol ammunition and (4) loaded firearms.

in violation of 430 Illinois Compiled Statutes 65 2-A(2)  
(Chapter) (Act) (Sub Section)

AOIC Code

--	--	--	--	--	--	--	--

STATE OF ILLINOIS } ss  
COOK COUNTY

11/26/19  
(Complainant's Signature)

14801 S. Pulaski Road Midlothian, IL 60445

(Complainant's Address)

708-385-2534

(Complainant's Telephone)

Ofc. Kickert #38 Midlothian Police Department

(Complainant's Name Printed or Typed)

The complainant, being first duly sworn on oath, deposes and says that he/she read the foregoing complaint by him/her subscribed and that the same is true.

11/26/19  
(Complainant's Signature)

Subscribed and sworn to before me on this 26th day of November 2019

For D. Brown

(Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

or

WARRANT ISSUED, Bail set at: \_\_\_\_\_

or

BAIL SET AT: \_\_\_\_\_ Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MPD\_001-000019



ALL FIELDS MARKED IN BOLD ARE MANDATORY

## ARREST CARD

Transaction Control Number

Document Control Number Ref: DCN

Arresting Agency ORI - NCIC

019902782

IL 0 1 6 7 0 0 0



LS10190019902782

Subject's Last Name

First Name

Middle Name / Suffix

GERMAN

DENNIS

L

Date of Birth

09 / 20 / 1986

Place of Birth

IL

State Identification Number

IL 9 7 1 7 5 3 4 0

Chicago IR#

FBI #

91732639

Sex

M

Race

B

Height

5 1 1

Weight

2 2 5

Hair

BLK

Eye

BRO

Skin

DBR

Social Security Number

Drivers License Number

G65517286268

DL State

IL

Photo Available

Y N

Palm Prints

Y N

FOID#

Basis For Caution:

Alias Last Name

Alias First Name

Alias Middle Name/Suffix

Alias Date of Birth

Scars, Marks, Tattoos

Occupation

Employer

Employer Address

Residence of Person Fingerprinted

13632 S KEDVALE ROBBINS, IL 60472

Agency Case Number

19M029204

Indictment Case Number

Date of Arrest

11 / 26 / 2019

Officer Badge #

38

City of Pros.

016

Adult By Court Order Yes

Arrestee Armed With (Code Table on Back)

1 11 12 13 14 15 16 17

Choose Maximum of two

Auto Weapon

Y N

Released w/o charging Yes

Bond Date

/ /

Receipt Number

Bond Amount

Cash Amount

Bond Type (Check box)

No Bond

Driv. Lic

Recognizance

DUI

Cash

Other

Date Fingerprinted

11 / 26 / 2019

Post Sentence Fingerprints

Yes

Count	Statute Chapter/Article/Code	Class	Level	Charge Description	Warrant	Case	State Use Only
001	720 ILCS 5.0/33A-2-A	0	X	ARMED VIOLENCE			
001	Date of Offense 11 / 26 / 2019	Domestic Violence (Please Check)	Yes	No	Arrest Type (Back)	✓	
002	720 ILCS 5.0/24-1.1-A	0	3	UNLAW POSSESS WEAPON BY FELON			
002	Date of Offense 11 / 26 / 2019	Domestic Violence (Please Check)	Yes	No	Arrest Type (Back)	✓	
003	720 ILCS 570.0/401-C-1	0	1	MAN/DEL CONTROL SUBSTANCES			
003	Date of Offense 11 / 26 / 2019	Domestic Violence (Please Check)	Yes	No	Arrest Type (Back)	✓	

Page Number 1 of 1

IL493-0692

Copy #1 Arresting Agency Copy

ISP 6-402 (3/04)

MPD\_001-000046

ADDITIONAL CHARGES

Document Control Number: 019902782

Submitting Agency ORI: IL0167000

Transaction Control Number:



LS10190019902782

Case ID: 19M029204 Name: GERMAN, DENNIS L

Date of Birth: 09/20/1986

Date Printed: 11/26/2019

FORMAT: COUNT, STATUTE CITATION/AOIC CODE, CSAOD, CLASS, OFFENSE DESCRIPTION, COUNTY ISSUING COURT, WARRANT/COURT CASE NUMBER, DATE OF OFFENSE, DOMESTIC VIOLENCE, ARREST TYPE

4, 720 ILCS 570.0/401-A-2-A, O, X, MAN/DEL 15<100 GR COCAINE/ANAL, , , 11/26/2019, N,

5, 430 ILCS 65.0/2-A-2, O, A, ILLEGAL POSS AMMUNITION/FOID, , , 11/26/2019, N,

6, 720 ILCS 600.0/3.5-A, O, A, POSSESS DRUG PARAPHERNALIA, , , 11/26/2019, N,



# CABS Mugshot Report

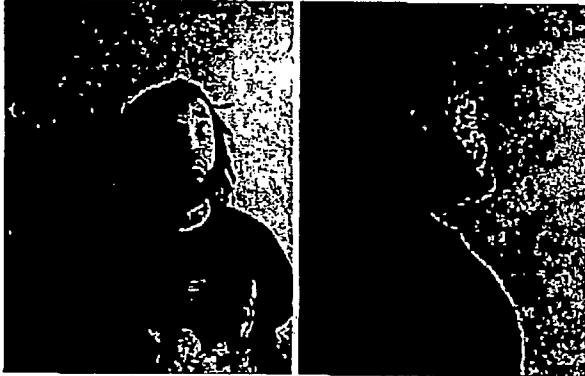
DATE: 11/26/2019

Arresting Agency: MIDLOTHIAN

Case Number: 19M029204

Offender Name: GERMAN, DENNIS L

IR# [ ] TCN: LS10190019902782



SID# IL4775340



FBI# 97372/499

FRONT VIEW

PROFILE VIEW

SCARS, MARKS, TATTOOS

## OFFENDER DATA:

Residence: 13632 S KEDVALE ROBBINS, IL 60472  
Sex: M RACE: B  
DOB: 09/20/1986 AGE:  
SSN:  
HEIGHT: 511 WEIGHT: 225  
HAIR COLOR: BLK HAIR STYLE:  
EYE COLOR: BRO COMPLEXION: DBR  
SCAR MARKS:

## ARREST DATA:

ARRESTING AGENCY:  
MIDLOTHIAN

DATE OF ARREST: 11/26/2019

PROCESSING FACILITY:

ARRESTING AGENCY ORI: IL0167000

## Arrest Charges

No. Statute	Description	Class	Inchoate code	Warrant No.	Type	County
1, 720 ILCS 5.0/33A-2-A,	ARMED VIOLENCE, X, O, . . .					
2, 720 ILCS 5.0/24-1.1-A,	UNLAW POSSESS WEAPON BY FELON, 3, O, . . .					
3, 720 ILCS 570.0/401-C-1,	MAN/DEL CONTROL SUBSTANCES, 1, O, . . .					
4, 720 ILCS 570.0/401-A-2-A,	MAN/DEL 15<100 GR COCAINE/ANAL, X, O, . . .					
5, 430 ILCS 65.0/2-A-2,	ILLEGAL POSS AMMUNITION/FOID, A, O, . . .					
6, 720 ILCS 600.0/3.5-A,	POSSESS DRUG PARAPHERNALIA, A, O, . . .					

APPENDIX F

THE CERTIFIED INTERVENING ARREST RECORDS

# FELONY MINUTE SHEET FORM 101

COURT: 6/220 ASA Case Number: \_\_\_\_\_

I. R. NUMBER	DEFENDAN(S)	AGE	DATE OF ARREST	CHARGE(S)
<u>20 - M08291</u>	<u>German, Dennis L</u>	<u>33</u>	<u>3/20/20</u>	<u>Man/Del Heroin</u>
_____	_____	_____	_____	<u>Man/Del Cocaine</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

DATE OF OFFENSE: 03 / 20 / 20 TIME: 0607 HRS PLACE: 13632 S. Kedvale Robbins

THE FACTS BRIEFLY STATED ARE AS FOLLOWS: I, Inv. Kickert of the Midlothian Police Department  
conducted a joint narcotics investigation with the United States Bureau of Alcohol Tobacco Firearms and Explosives (ATF)  
at 13632 S. Kedvale Avenue in Robbins, IL. Video surveillance was conducted at the residence beginning 02/18/20. A John  
Doe search warrant was secured with a source of information and issued by Judge Seaton #2199 on 03/17/20 at 2137 hours.  
On 03/20/20 at 0607 hours the no-knock warrant was executed with the assistance of the South Suburban Emergency  
Response Team (Swat). Approximately 96.6 grams of cocaine was recovered from inside Dennis L. German's residence  
along with approximately 18.3 grams of heroin, a digital scale with a white powdery residue, drug paraphernalia, and  
narcotics packaging. A loaded Glock 23 40 caliber handgun was also recovered and UDW charges will be pending DNA /  
Fingerprint analysis. German was charged with manufacturing and delivery of heroin 15-100grams, and cocaine 15-100  
grams.

## WITNESSES: (LIST IN ORDER)

NAME (FIRST NAME, LAST NAME)	ADDRESS	CITY & STATE	PHONE NO.
<u>Inv. Kickert #38</u>	<u>14801 S. Pulaski Road</u>	<u>Midlothian, IL 60445</u>	<u>( 708 ) 385 - 2534</u>
<u>ATF Special Agent Lamonte</u>	<u>175 W. Jackson Suite 1500</u>	<u>Chicago, IL 60604</u>	<u>( 312 ) 846 - 7201</u>
<u>Det. Schavone #42</u>	<u>14801 S. Pulaski Road</u>	<u>Midlothian, IL 60445</u>	<u>( 708 ) 385 - 2534</u>
<u>Ofc. Caldario #30</u>	<u>14801 S. Pulaski Road</u>	<u>Midlothian, IL 60445</u>	<u>( 708 ) 385 - 2534</u>
<u>Ofc. Masucci #126 Dolton Police Dept.</u>	<u>14030 Park Avenue</u>	<u>Dolton, IL 60419</u>	<u>( 708 ) 841 - 2533</u>
<u>Bryan Lefebvre</u>	<u>4737 Baccarat Ct.</u>	<u>Joliet, IL 60431</u>	<u>( ) - </u>
_____	_____	_____	<u>( ) - </u>
_____	_____	_____	<u>( ) - </u>

BOND: \$ \_\_\_\_\_ A.S.A. \_\_\_\_\_ DATE: \_\_\_\_\_

6-220  
(Court Branch)

To Be Determined  
(Court Date)

16501 Kedzie in Markham, IL 60426  
(Court Location)

FELONY

CCCR N662-125M-6/28/02 (23440565)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of Illinois  
Plaintiff

COMPLAINT FOR PRELIMINARY EXAMINATION

v.

NO. \_\_\_\_\_

Dennis L. German  
Defendant

Inv. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states that

Dennis L. German  
(Defendant)

13632 S. Kedvale Ave Robbins, IL 60472  
(Address)

has, on or about

03/20/2020  
(Date)

at

13632 S. Kedvale Ave Robbins, IL 60472  
(Place of offense)

committed the offense of Possession With the Intent to Manufacture or Deliver a Controlled Substance in that he/she said defendant Dennis L. German, possessed more than 15 grams and less than 100 grams of cocaine (Approximately 96 grams) along with scales and packaging materials with the intent to manufacture or deliver a controlled substance.

in violation of 720  
(Chapter)

ILCS

570 / 401A-(2)(A)  
(Act) (Section)

--	--	--	--	--	--	--	--

CHARGE CODE

STATE OF ILLINOIS } ss  
COOK COUNTY

14801 S. Pulaski Road Midlothian, IL 60445 7083852534  
(Complainant's Address) (Telephone No.)

Inv. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

being first duly sworn, Inv. Kickert on oath, deposes and says the he/she read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me March 20th

2020

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

Summons Issued, Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_  
or  
Warrant Issued, Bail set at, \_\_\_\_\_  
or  
Bail set at \_\_\_\_\_ Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

☐ COURT FILE COPY

☐ DEFENDANT COPY

☐ COOK COUNTY DOC

6-220  
(Court Branch)

To Be Determined  
(Court Date)

16501 Kedzie in Markham, IL 60426  
(Court Location)

FELONY

CCCR N662-125M-6/28/02 (23440565)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of Illinois  
Plaintiff

COMPLAINT FOR PRELIMINARY EXAMINATION

v.

NO. \_\_\_\_\_

Dennis L. German  
Defendant

Inv. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states that

Dennis L. German  
(Defendant)

13632 S. Kedvale Ave Robbins, IL 60472  
(Address)

has, on or about

03/20/2020  
(Date)

at

13632 S. Kedvale Ave Robbins, IL 60472  
(Place of offense)

committed the offense of Possession With the Intent to Manufacture or Deliver a Controlled Substance in that he/she said defendant Dennis L. German, possessed more then 15 grams and less then 100 grams of Heroin (18.3 Grams) along with scales and packaging materials with the intent to manufacture or deliver a controlled substance.

In violation of 720 ILCS  
(Chapter)

570 / 401A-(1)(A)  
(Act) (Section)

--	--	--	--	--	--	--

CHARGE CODE

(Complainant's Signature)

STATE OF ILLINOIS }  
COOK COUNTY } ss

14801 S. Pulaski Road Midlothian, IL 60445 7083852534  
(Complainant's Address) (Telephone No.)

Inv. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

being first duly sworn, Inv. Kickert on oath, deposes and says the he/she read the foregoing complaint by him/her subscribed and that the same is true.

(Complainant's Signature)

Subscribed and sworn to before me March 20th

2020

(Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

Summons Issued, Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_  
or  
Warrant Issued, Bail set at, \_\_\_\_\_  
or  
Bail set at \_\_\_\_\_ Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

☐ COURT FILE COPY

☐ DEFENDANT COPY

☐ COOK COUNTY DOC

6-220 To Be Determined IL0167000 16501 Kedzie, Markham, IL TBD  
(Court Branch # or District #) (Court Date/Time) (Arresting Agency #) (Court Location) (Room #)

MISDEMEANOR COMPLAINT (This form replaces CCG-0655 & CCMC-0225)

(5/22/97) CCCR-0655

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

NO. \_\_\_\_\_

Dennis L. German

Defendant.

Inv. Kickert #38 Midlothian Police Department

(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states the following:

That: Dennis L. German of 13632 S. Kedvale Ave Robbins, IL 60472 has, on or about  
(defendant) (address)

03/20/2020 at the location of 13632 S. Kedvale Ave Robbins, Cook County, IL 60472  
(date) (place of offense)

committed the offense(s) of Possession Of Drug Paraphernalia

in that he/she said defendant Dennis L. German unlawfully possessed drug paraphernalia in his residence being a digital scale with a white powdery residue suspect cocaine, narcotics packaging, several burnt glass pipes with residue used to ingest crack cocaine, and "Chore Boy" type cleaning pads used in the glass pipe to ingest cocaine.

in violation of 720 Illinois Compiled Statutes 600 / 3.5  
(Chapter) (Act) (Sub Section)

AOIC Code

--	--	--	--	--	--	--

STATE OF ILLINOIS }  
COOK COUNTY } ss

  
(Complainant's Signature)

14801 S. Pulaski Road Midlothian, IL 60445

(Complainant's Address)

708-385-2534

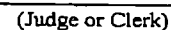
(Complainant's Telephone)

Inv. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

The complainant, being first duly sworn on oath, deposes and says that he/she read the foregoing complaint by him/her subscribed and that the same is true.

  
(Complainant's Signature)

Subscribed and sworn to before me on this 20th day of March, 2020

  
(Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge \_\_\_\_\_  
or Judge's No. \_\_\_\_\_

WARRANT ISSUED, Bail set at: \_\_\_\_\_  
or \_\_\_\_\_

BAIL SET AT: \_\_\_\_\_ Judge \_\_\_\_\_  
Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



6-220 To Be Determined IL0167000 16501 Kedzie, Markham, IL TBD  
(Court Branch # (Court Date/Time) (Arresting Agency #) (Court Location) (Room #)  
or District #

MISDEMEANOR COMPLAINT (This form replaces CCG-0655 & CCMC-0225)

(5/22/97) CCCR-0655

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

NO. \_\_\_\_\_

Dennis L. German

Defendant.

Inv. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states the following:

That: Dennis L. German of 13632 S. Kedvale Ave Robbins, IL 60472 has, on or about  
(defendant) (address)

03/20/2020 at the location of 13632 S. Kedvale Ave Robbins, Cook County, IL 60472  
(date) (place of offense)

committed the offense(s) of Possession Of Firearm Ammunition Without Requisite Firearm Owner's ID Card

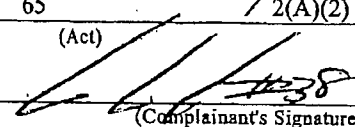
in that he/she said defendant Dennis L. German possessed a box of Federal Ammunition containing 16 live rounds of 40 caliber  
ammunition in his kitchen on top of the cabinets without having obtained a valid Illinois Firearms Owners Identification Card.

in violation of 430 Illinois Compiled Statutes 65 / 2(A)(2)  
(Chapter) (Act) (Sub Section)

AOIC Code

--	--	--	--	--	--	--

STATE OF ILLINOIS } ss  
COOK COUNTY

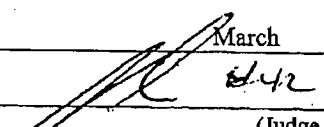
  
(Complainant's Signature)  
14801 S. Pulaski Road Midlothian, IL 60445  
(Complainant's Address)  
708-385-2534  
(Complainant's Telephone)

Inv. Kickert #38 Midlothian Police Department  
(Complainant's Name Printed or Typed)

The complainant, being first duly sworn on oath, deposes and says that he/she read the foregoing complaint by him/her subscribed and that the same is true.

  
(Complainant's Signature)

Subscribed and sworn to before me on this 20th day of March, 2020

  
(Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge \_\_\_\_\_  
or Judge's No. \_\_\_\_\_

WARRANT ISSUED, Bail set at: \_\_\_\_\_  
or

BAIL SET AT: \_\_\_\_\_ Judge \_\_\_\_\_  
Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



# CABS Mugshot Report

DATE: 03/20/2020

Arresting Agency: MIDLOTHIAN

Case Number: 20M008291

Offender Name: GERMAN, DENNIS L

IR# [ ] TCN: LS10190019952801

SID# 124775340



FBI# 917372009



FRONT VIEW

PROFILE VIEW

SCARS, MARKS, TATTOOS

## OFFENDER DATA:

Residence: 13632 S KEDVALE ROBBINS, IL 60472  
Sex: M RACE: B  
DOB: 09/20/1986 AGE:  
SSN: HEIGHT: 511 WEIGHT: 225  
HAIR COLOR: BLK HAIR STYLE:  
EYE COLOR: BRO COMPLEXION: DRK  
SCAR MARKS:

## ARREST DATA:

ARRESTING AGENCY:  
MIDLOTHIAN

DATE OF ARREST: 03/20/2020

PROCESSING FACILITY:

ARRESTING AGENCY ORI: IL0167000

## Arrest Charges

No.	Statute	Description	Class	Inchoate code	Warrant No.	Type	County
1,	720 ILCS 570.0/401-A-2-A,	MFG/DEL 15<100 GR COCA/ANALOG,	X,	O,	, , ,		
2,	720 ILCS 570.0/401-A-1-A,	MFG/DEL 15<100 GR HEROIN/ANLG,	X,	O,	, , ,		
3,	430 ILCS 65.0/2-A-2,	ILLEG POSS AMMUNITION/FOID,	A,	O,	, , ,		
4,	720 ILCS 600.0/3.5-A,	POSSESS DRUG PARAPHERNALIA,	A,	O,	, , ,		

APPENDIX G  
FORFEITURE PAPERS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DIVISION

IN THE MATTER OF THE PEOPLE OF THE STATE  
OF ILLINOIS, ex. rel., KIMBERLY M. FOXX  
State's Attorney of Cook County, Illinois

Plaintiff,

vs.

2692.00 U.S.C.

Defendant.

)  
) CASE NO: 21COFO-001887  
) RETURN DATE:  
) TIME: 1:30PM  
) ROOM: 1707  
) CALENDAR: 4  
)  
)  
)

) RETURN DATE: 11/15/21

NOTICE

TO: Dennis German III  
13632 S Kedvale Ave  
Robbins, IL 60472

On above return date and time or as soon thereafter as Counsel may be heard, I shall appear before the Honorable Judge presiding in the Courtroom designated by the Presiding Judge of the County Division, Richard J. Daley Center, 50 West Washington, Chicago, Illinois, and ask for an order of forfeiture, and disposition thereunder, by delivery to a law enforcement agency, in accordance with the statutes of the State of Illinois, of the property heretofore seized as alleged in the Complaint filed. A copy of said Complaint is attached.

If you wish to make a claim and contest this action, you are required to appear either in person or by your Attorney in the Office of the Clerk, Room 1202, Richard J. Daley Center, 50 West Washington, Chicago, Illinois, at the above return date and time, file your appearance and answer pursuant to 725 ILCS 150/9 and/or 720 ILCS 5/29 B-1, and/or 720 ILCS 5/Article 36, to this complaint served upon you by this notice. (You will then be directed to the proper Courtroom to appear before the Judge). IF YOU FAIL TO DO SO, your interest in the property may be deemed waived and a judgment of forfeiture of the property may be entered.

NAME: KIMBERLY M. FOXX-State's Attorney of Cook County  
BY: Jim Lynch, Assistant State's Attorney  
ATTORNEY FOR: Plaintiff  
ADDRESS: 50 West Washington, Room 300  
Chicago, Illinois 60602  
TELEPHONE: 312-603-6462

AFFIDAVIT OF SERVICE

I depose and state that on \_\_\_\_\_ I mailed copies of this notice and Complaint for Forfeiture to each person to whom it is directed by depositing same in the U.S. Mail at the Richard J. Daley Center, 50 West Washington, Chicago, Illinois 60602, at 4:30 P.M. with postage fully prepaid, regular and certified mail, return receipt requested.

Subscribed and Sworn to  
before me this \_\_\_\_\_ day  
Of \_\_\_\_\_, A.D. 2018

\_\_\_\_\_  
NOTARY PUBLIC

In Re the Forfeiture of:  
(list the property you are claiming)  
\$ 2,692.00

RECEIVED JUL 27 2021  
I.S.P. SEIZURE NO. 20M016099  
S.A.O. NO. 20-06-0116

**VERIFIED CLAIM**

The undersigned Dennis German files this Verified Claim under oath seeking to claim his/her interest in the above listed property as follows:

- 1) NAME OF THE CLAIMANT: Dennis German
- 2) CLAIMANT'S ADDRESS FOR ACCEPTANCE OF MAIL:

Street Address: 3050 S. Justice Way  
City, State, Zip Code: KANKAKEE ILL, 60901  
Phone Number: ( 708 ) 756-6313

☐ **PLEASE CHECK THIS BOX IF ADDRESS ABOVE IS DIFFERENT THAN THE ADDRESS ON NOTICE OF PENDING FORFEITURE.**

- 3) NATURE AND EXTENT OF CLAIMANT'S INTEREST IN THE PROPERTY SOUGHT TO BE FORFEITED:

Dennis German is claiming ownership of  
THE \$ 2,692.00

- 4) a. DATE THE PROPERTY WAS ACQUIRED: (WHEN DID YOU RECEIVE THE PROPERTY?)

About February 2020

- b. IDENTITY OF THE TRANSFEROR OF THE PROPERTY: (WHO GAVE YOU THE PROPERTY?) I

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip code: \_\_\_\_\_

- c. CIRCUMSTANCES OF YOUR ACQUISITION OF THE PROPERTY: (HOW AND WHY DID YOU RECEIVE THE PROPERTY?)

I Received this Money through the IRS.  
AFTER filing for Tax Refunds, Savings  
& Sales from my CAR

Exc

5) NAME AND ADDRESS OF ALL OTHER PERSONS KNOWN TO HAVE AN INTEREST IN THE PROPERTY: (IF NONE, STATE NONE.) NONE

Name: \_\_\_\_\_

Address: \_\_\_\_\_

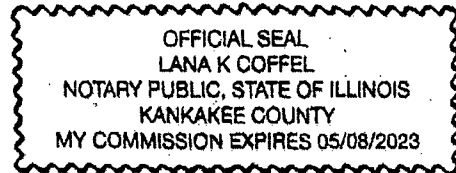
City, State, Zip code: \_\_\_\_\_

6) SPECIFIC PROVISION OF LAW RELIED ON IN ASSERTING THE PROPERTY IS NOT SUBJECT TO FORFEITURE: THE CHARGES WAS ~~POSSESSION~~ POSSESSION OF FIREARM

7) ANY OTHER ESSENTIAL FACTS TO SUPPORT ANY OF THE ABOVE ASSERTIONS: (WHAT DOCUMENTS DO YOU HAVE TO SHOW YOU OWN THE PROPERTY? IF NONE, STATE NONE.) NONE ONLY TO CHECK TAX REFUNDS

8) THE RELIEF SOUGHT: (WHAT DO YOU WANT TO HAPPEN TO THE PROPERTY?) THE RETURN OF THE \$2,692.00 A.S.A.P

/s/ Dennis Goman  
(Signed) Dennis Goman



STATE OF ILLINOIS )

COUNTY OF COOK )

) SS

The above signed person personally appeared before me, and being duly sworn, deposes and says that he/she has read the foregoing Verified Claim and that the statements set forth in this instrument are true and correct to the best of his/her knowledge, information and belief.

Subscribed and Sworn to  
before me this 13 day  
of July, 20 21.

Lana K Coffel  
NOTARY PUBLIC

My commission expires: 05-08-23, 20 23.

Ex.  
D

In Re the Forfeiture of:

(list the property you are claiming)

\$ 7,818.00

RECEIVED JUL 27 2021

I.S.P. SEIZURE NO. 20110082021S.A.O. NO. 20-03-0177**VERIFIED CLAIM**

The undersigned Dennis GERMAN files this Verified Claim under oath seeking to claim his/her interest in the above listed property as follows:

- 1) NAME OF THE CLAIMANT: Dennis GERMAN
- 2) CLAIMANT'S ADDRESS FOR ACCEPTANCE OF MAIL:

Street Address: 3050 JUSTICE WAY  
City, State, Zip Code: KANKAKEE ILL 60901  
Phone Number: ( 708 ) 756-6313

☐ PLEASE CHECK THIS BOX IF ADDRESS ABOVE IS DIFFERENT THAN THE ADDRESS ON NOTICE OF PENDING FORFEITURE.

- 3) NATURE AND EXTENT OF CLAIMANT'S INTEREST IN THE PROPERTY SOUGHT TO BE FORFEITED:

Dennis GERMAN is claiming Ownership of  
the \$ 7,818.00

- 4) a. DATE THE PROPERTY WAS ACQUIRED: (WHEN DID YOU RECEIVE THE PROPERTY?)

About February 2020

- b. IDENTITY OF THE TRANSFEROR OF THE PROPERTY: (WHO GAVE YOU THE PROPERTY?)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip code: \_\_\_\_\_

I R/S  
TAX Money Refund  
& Savings

- c. CIRCUMSTANCES OF YOUR ACQUISITION OF THE PROPERTY: (HOW AND WHY DID YOU RECEIVE THE PROPERTY?)

I Receive Most of this Money through  
Tax Refund & Savings & Sale of  
My CAR

EX  
C

- 5) NAME AND ADDRESS OF ALL OTHER PERSONS KNOWN TO HAVE AN INTEREST IN THE PROPERTY: (IF NONE, STATE NONE) NONE

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip code: \_\_\_\_\_

- 6) SPECIFIC PROVISION OF LAW RELIED ON IN ASSERTING THE PROPERTY IS NOT SUBJECT TO FORFEITURE: THE CHARGES WAS DISMISSED ON 3/21/2020

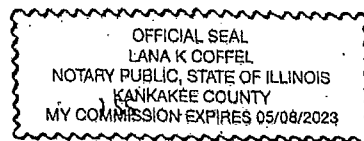
- 7) ANY OTHER ESSENTIAL FACTS TO SUPPORT ANY OF THE ABOVE ASSERTIONS: (WHAT DOCUMENTS DO YOU HAVE TO SHOW YOU OWN THE PROPERTY? IF NONE, STATE NONE.) NONE JUST TAX REFUNDS

- 8) THE RELIEF SOUGHT: (WHAT DO YOU WANT TO HAPPEN TO THE PROPERTY?) THE RETURN OF THE \$7,818.00

/s/ Dennis Gorman  
(Signed) Dennis Gorman

STATE OF ILLINOIS )

COUNTY OF COOK )



The above signed person personally appeared before me, and being duly sworn, deposes and says that he/she has read the foregoing Verified Claim and that the statements set forth in this instrument are true and correct to the best of his/her knowledge, information and belief.

Subscribed and Sworn to  
before me this 13 day  
of July, 2021

Lana K Coffel  
NOTARY PUBLIC

My commission expires: 05-08-2023, 2023

Ex  
D



APPENDIX H

LETTER FROM TRIAL COUNSEL

**GREENBERG TRIAL LAWYERS**

ATTORNEYS AT LAW

53 WEST JACKSON BOULEVARD, SUITE 1260  
CHICAGO, ILLINOIS 60604  
(312) 879-9500  
Curt@GreenbergCD.com

November 9, 2021

LEGAL MAIL

Mr. Dennis German  
Jerome Combs Detention Center  
3050 Justice Way  
Kankakee, IL 60901

**Re: Order Denying Motions**

Dear Mr. German:

Enclosed please find a copy of the Santiago proffer in your case. This is the statement by the government of what they expect that the evidence of the conspiracy is going to be. Please read it carefully. In it they detail the conversations that they have evidence of, As well as the observations made by law enforcement, with the pole camera, and things found during a search.

I understand that your position is that the drugs were not yours and that except for a single occasion when you were seeing on video with a weapon, none of the guns were years period your defense is that other people would come in and out of the house that you lived in and they would leave their things, meaning their contraband, in your house. Or that people were with you and when the police approached they would discard things and you are now being blamed. To believe that any jury is going to go along with such a ridiculous defense is simply foolishness.

If we present that defense you are going to receive significant jail time. I am certain that you are going to lose every count in the indictment, and if you testified that the things belong to other people, you are going to get an enhancement for obstruction. Simply put you are going to go to jail for decades if you persist in trying this case. That is my opinion, based upon my 35 years of experience.

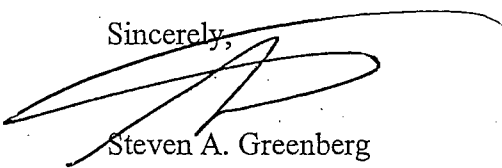
On the other hand, if we were to enter a plea of guilty, while you would be subject to the advisory guideline range, it is not mandatory. You are in front of a wonderful judge when it comes to sentencing, and I am certain that we could put together a compelling case for why you should receive a sentence of 10 years or less. The plea agreement is simply a suggestion. Now, if there are things in the plea agreement that the evidence does not support, and to which your claims could pass the laugh test, then we could certainly contest them. But as I said above, to think that you were going to be found not guilty is ridiculous. Please read the information in the enclosed

document, objectively. All these things that they say in this document are supported by the evidence that has been tendered.

I am also enclosing a copy of the scheduling order that the Court entered. There is a significant amount of work that now needs to be done in the coming weeks. We need to resolve this one way or the other, immediately.

Again, you are looking at a significant amount of time in prison if you are found guilty at trial. You need to act to limit the substantial risk of a longer prison sentence. You need to be smart about this. Going to trial is foolish.

Sincerely,



Steven A. Greenberg

Encl.