

No. 26-_____

IN THE UNITED STATES SUPREME COURT

Denico Hudson,
Petitioner,

v.

United States of America,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the
Sixth Circuit

APPENDIX TO
PETITION FOR WRIT OF CERTIORARI

VOLUME 1

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TABLE OF CONTENTS

Volume 1 – pp. 001 – 078

1. Sixth Circuit Court of Appeals Opinion and Judgment.....	3
2. Judgment of the District Court, Record Item #107, PageID##310-316	14
3. Excerpts from change of plea hearing transcript, R.121, PageID##403; 407-408; 422-430	22
4. Excerpts from sentencing hearing transcript, R.122, PageID##431; 434-443; 448-479	35

Volume 2 – pp. 079 – 155

4. (Continued) Excerpts from sentencing hearing transcript, R.122, PageID##480-494; 513-520; 530-550; 560-564; 581.....	79
5. Indictment - Record Item #3, PageID##3-6.....	131
6. USSG §1B1.3	136
7. USSG §2K2.1	145
8. USSG Sentencing Table, Zone D	152

APPENDIX ITEM 1

OPINON AND JUDGMENT OF THE SIXTH CIRCUIT COURT OF APPEALS

NOT RECOMMENDED FOR PUBLICATION

File Name: 26a0122n.06

Case No. 24-5697

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Mar 10, 2026

KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DENICO N. HUDSON,

Defendant-Appellant.

ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
KENTUCKY

OPINION

Before: SUTTON, Chief Judge; GRIFFIN and NALBANDIAN, Circuit Judges.

NALBANDIAN, Circuit Judge. Denico Hudson sold machinegun conversion devices—known as Glock switches—to his fellow gang members. Unsurprisingly, those gang members used their modified guns to shoot their rivals and traffic drugs. So a district court sentenced Hudson to 108 months’ imprisonment after applying enhancements that reflected Hudson’s role in this gangland chaos. Now Hudson challenges two of those enhancements pertaining to the number of switches sold and the connections between his switch sales and other crimes. He also claims that he should’ve received a downward adjustment for his culpability level. But because the district court didn’t err in sentencing Hudson, we AFFIRM.

I.

Hudson and his associates, Demarco Sturgeon and Isaiah Smith, sold Glock switches in the Cincinnati area. The operation relied on a vertical distribution chain. Smith manufactured

No. 24-5697, *United States v. Hudson*

over 80 devices with a 3D printer. He sold most of those switches to Sturgeon, and sometimes he traded them for Sturgeon's guns. Sturgeon then sold most of his switches to Hudson for cash and drugs. Hudson used Facebook and in-person meetups to sell the switches to end-users. And he referred customers to Sturgeon and facilitated those sales. But Hudson didn't stop at 3D-printed switches. He also hawked the more durable metal variant—an import that commanded a premium. Hudson revealed an entrepreneurial streak, and his apartment became a go-to spot to buy a Glock switch.

This case concerns one-third of the Hudson-Sturgeon-Smith triumvirate. Hudson was a member of the "Button Boys" gang ("button" refers to a selector on the side of a Glock switch). He sold switches to his fellow gang members, who committed a series of shootings. One shooting arose from a botched murder-for-hire in which the intended victim wounded Brian Wright, Hudson's close friend and gang associate. And a string of shootings implicated DeAngelo Knox, another close associate. Hudson's switches helped the Button Boys play defense, too. The gang dealt valuable drugs, and because drug dealers can't rely on the law to protect their wares, switch-equipped guns sent a message to potential marauders. Hudson knew this because he dealt fentanyl, heroin, and crack cocaine. He traded drugs for Sturgeon's switches, and he sometimes sold drugs to his switch customers. He even offered special bundles: pills and switches from a single supplier.

In conducting their business, Hudson and his crew left breadcrumbs for investigators. When the police arrested one of Hudson's associates, they found a pistol with a 3D-printed switch that matched Smith's description of his own product. And there were virtual clues, too. Hudson and Sturgeon flaunted their success on social media. Sturgeon posted photos and videos of switches, guns, and drugs, and Hudson's Facebook doubled as a marketing page. In one post, an

No. 24-5697, *United States v. Hudson*

advertisement for switches bore the tagline “get in where you fit in.” R.113, Presentence Report, PageID 367. In another, Hudson grinned as he fanned out a wad of cash.

So Hudson emerged as a suspect when the government connected the dots between Cincinnati-area shootings. This is no figure of speech: investigators drew a chart that linked the shootings to individual gang members. They tied Hudson to several shootings by connecting him to three shooters and to “roughly” seven or eight guns. R.122, Sent’g Tr., PageID 519. The government also recruited a confidential informant to learn more about the Button Boys. The informant revealed that Hudson recruited Sturgeon as a supplier on the Button Boys’ behalf.

II.

The government charged Hudson, Sturgeon, and Smith with one count of transporting an unregistered gun and one count of possessing and transferring a machinegun. It also alleged that all three defendants aided and abetted each other. Smith and Sturgeon signed plea agreements. Smith fessed up to manufacturing switches and selling them to Sturgeon. And Sturgeon admitted that he sold switches to Hudson, who helped him facilitate his own sales. But Hudson pleaded guilty to both counts without signing an agreement.

Hudson went on to sentencing. Sentencing can get complex, so we’ll provide a highlight reel. The district court applied several enhancements to Hudson’s base offense level, but only two pertain to this appeal. First, the district court increased the offense level by six because Hudson trafficked at least 25 switches. U.S.S.G. § 2K2.1(b)(1)(C) (U.S. Sent’g Comm’n 2021).¹ Second, it increased the level by four because Hudson sold switches with “knowledge, intent, or reason to

¹ At sentencing, the district court relied on the 2021 Guidelines Manual because Hudson committed his crimes before the Sentencing Commission released the 2023 Manual, and because the 2023 Manual increased an enhancement that factored into Hudson’s sentence. R.122, Sent’g Tr., PageID 528; R.113, Presentence Report, PageID 338; *see* U.S.S.G. § 1B1.11(b).

No. 24-5697, *United States v. Hudson*

believe” that they’d be used in connection with other felony offenses: shootings and drug trafficking. *Id.* § 2K2.1(b)(6)(B). The district court also concluded that Hudson wasn’t entitled to a minor role adjustment. *Id.* § 3B1.2(b). But it accounted for Hudson’s acceptance of responsibility. So after applying the enhancements and adjusting for acceptance, the district court calculated a Guidelines range of 108 to 120 months’ imprisonment. The latter is the statutory maximum. The district court imposed concurrent sentences of 108 months’ imprisonment and three years’ supervised release on each count.

III.

Hudson isn’t satisfied, so he appeals his sentence. He makes three arguments. First, he says that the district court erred in applying the “25+” enhancement. On his view, “no reliable facts” establish that he trafficked that many switches. Appellant Br. at 2 (citation modified). Second, he contends that the district court erred in applying the other-felony enhancement. He claims he wasn’t aware that the Button Boys used switch-equipped guns to traffic drugs and settle scores (though he neglects to mention his own drug sales). And third, he protests that the district court erred in failing to recognize his “minor role” in the scheme. Appellant Br. at 36 (citation modified). Hudson’s wrong on each point. We’ll consider his arguments in turn.

A criminal sentence must be procedurally reasonable. That means the district court must “properly calculate the Guidelines range, treat the guidelines as advisory, consider the [18 U.S.C.] § 3553(a) factors and adequately explain the chosen sentence.” *United States v. Snelling*, 768 F.3d 509, 512 (6th Cir. 2014).

If the government seeks a sentencing enhancement, it must establish by a preponderance of the evidence that the enhancement applies. *United States v. Parkey*, 142 F.4th 866, 869 (6th Cir. 2025). Conversely, if a defendant seeks a downward adjustment, he “bears the burden of

No. 24-5697, *United States v. Hudson*

proving a mitigating role in the offense by a preponderance of the evidence.” *United States v. Roberts*, 223 F.3d 377, 379 (6th Cir. 2000).

When we review a district court’s calculation of the Guidelines range, we review its factual findings for clear error and its legal conclusion de novo. *United States v. Sands*, 948 F.3d 709, 712 (6th Cir. 2020). We haven’t yet decided which standard applies to sentencing enhancements when we review mixed questions of law and fact. *See Parkey*, 142 F.4th at 869. But we don’t need to pick one when, as here, the application of an enhancement meets either standard. *Id.*

A.

We’ll start with the “25+” enhancement under U.S.S.G. § 2K2.1(b)(1). Hudson argues that only Smith and Sturgeon trafficked switches in bulk, and that he wasn’t a part of this enterprise. In this vein, he contends that the photo and video evidence, his social media activity, and Smith’s and Sturgeon’s recollections don’t establish that he partook in a broader switch-selling operation. And he says that he didn’t personally sell 25 switches. On Hudson’s telling, he helped Sturgeon sell only two switches. That’s what he admitted to when he pleaded guilty, and he’s sticking to his guns. But that’s quite the understatement.

The Guidelines define “relevant conduct” for enhancement purposes. *See* U.S.S.G. § 1B1.3 (2021) (citation modified). The phrase includes “all acts” that a defendant “aided” or “abetted,” and it also covers all acts within the scope of “jointly undertaken criminal activity” that are “in furtherance of” and “reasonably foreseeable in connection with” that activity. *Id.* § 1B1.3(a)(1). But when, as here, counts are “closely related”—like if they involve the “same act or transaction”—conduct is only “relevant” if it was “part of the same course of conduct or common scheme or plan as the offense of conviction.” *Id.* §§ 1B1.3(a)(2), 3D1.2(d). A “common scheme or plan” refers to “common victims, common accomplices, common purpose, or similar

No. 24-5697, *United States v. Hudson*

modus operandi.” *Id.* § 1B1.3, cmt. n.5(B)(i). The “same course of conduct” is a slightly looser formulation. It refers to the “degree of similarity” and “regularity” of the offenses, as well as the “time interval” between them. *Id.* § 1B1.3, cmt. n.5(B)(ii).

Hudson sold or arranged the sale of at least 25 switches, so the “25+” enhancement reflects his conduct under any standard. In fact, he probably sold more than 25 switches on his own. Hudson was Sturgeon’s “primary buyer.” R.122, Sent’g Tr., PageID 469. So he likely bought “more than 25” switches from Sturgeon to supply the “entire group.” *Id.* at PageID 469, 513.

Hudson contends that the most that the government’s evidence established at sentencing regarding switch amounts was that Sturgeon bought most of Smith’s switches and that Hudson bought a majority of those—a number that might not reach 25 if you start with 80. Putting aside the fact that this wasn’t the government’s only evidence, his collaboration with Smith and Sturgeon pushes him over the line. The enterprise ran as one machine: one manufacturer (Smith), one wholesaler (Sturgeon), one retailer (Hudson), and—in large part—one meeting place (Hudson’s apartment) and one customer base (the Button Boys). And its gears turned in unison. Smith sold to Sturgeon, who sold to Hudson, who facilitated Sturgeon’s sales and drove demand for Smith’s product. Plenty of evidence supports these conclusions, and the district court considered all of it. *See, e.g.,* R.122, Sent’g Tr., PageID 442, 467, 469–70, 485, 514 (describing manufacture, distribution, and sale of switches, solicitation of customers, and facilitation of sales). And we’ve found a “course of conduct” and a “common scheme or plan” under far less damning circumstances. *See United States v. Gales*, 137 F. App’x 875, 877 (6th Cir. 2005) (isolated sales followed a “common pattern” where the defendant and his friends sold stolen guns to the same store). So Hudson’s on the hook for the entire inventory—not just his personal sales. *See United States v. Gaitan-Acevedo*, 148 F.3d 577, 593–94 (6th Cir. 1998) (defendant responsible for drug

No. 24-5697, *United States v. Hudson*

quantities reflecting mule’s “reasonably foreseeable” deliveries); *United States v. Kish*, 424 F. App’x 398, 409 (6th Cir. 2011) (“[T]he number of firearms involved in the offense was the number distributed *and* made available for sale by [defendants].”).

B.

Next, Hudson contends that he shouldn’t have received the four-level enhancement for possessing switches in connection with another felony. This challenge fails too.

The possession-in-connection enhancement applies to defendants who “possessed any firearm . . . in connection with another felony” or who “transferred any firearm . . . with knowledge, intent, or reason to believe that it would be used or possessed in connection with another felony offense.” U.S.S.G. § 2K2.1(b)(6)(B) (2021). That means the firearm must’ve “facilitated, or had the potential of facilitating,” the felony. *Id.* cmt. n.14(A). In making this determination, we look to the relationship between the two offenses, “consistent with relevant conduct principles.” *Id.* cmt. n.14(E). And we’ve noted that the enhancement doesn’t apply “if possession of the firearm ‘is merely coincidental to the underlying felony offense.’” *United States v. Seymour*, 739 F.3d 923, 929 (6th Cir. 2014) (quoting *United States v. Angel*, 576 F.3d 318, 321 (6th Cir. 2009)).

The district court considered two felonies, and both meet the test. So the enhancement applies.

First, Hudson’s switch sales overlapped with his drug trafficking. And even if we only consider his fentanyl sales, Hudson’s drug trafficking amounted to a felony. 21 U.S.C. § 841(b)(1)((B)(vi); U.S.S.G. § 2K2.1(b)(6)(B), cmt. n.14(C) (2021) (“another felony offense” means “any federal, state, or local offense, other than the . . . firearms possession or trafficking offense, punishable by imprisonment for a term exceeding one year, *regardless* of whether a criminal charge was brought, or a conviction obtained” (citation modified)). Hudson ran a

No. 24-5697, *United States v. Hudson*

combined switch and drug-trafficking operation, advertised both products, sold them as complementary goods, and even sold switches and drugs to the same customers in the same transactions. And he knew his fellow Button Boys used switches to traffic drugs because drug dealers flaunt their firepower to ward off thieves. He also knew it because he sent that message himself: Hudson and his associates posed with switch-equipped handguns and posted these photos and videos online.

So these facts are more striking than our typical “fortress theory” case, when we consider a gun’s physical proximity to drugs. *Cf., e.g., United States v. Shanklin*, 924 F.3d 905, 919–20 (6th Cir. 2019). Here, the inference is far stronger, and Hudson’s conduct easily clears the bar. *See United States v. Henry*, 819 F.3d 856, 868 (6th Cir. 2016) (“The joint sale suggests that the firearm facilitated . . . the drug deal.” (citation modified)); *United States v. Harrison*, 2020 WL 8921413, at *6 (6th Cir. Oct. 28, 2020) (enhancement applied because defendant’s photos and videos depicted guns, drugs, and cash, and because defendant traded drugs for guns).

Second, Hudson sold switches that the government linked to various Cincinnati-area shootings. Since those shootings were felonies, the enhancement applies for this reason, too. *See* Ohio Rev. Code § 2903.11(A)(2) (defining “felonious assault” as any “attempt to cause physical harm to another . . . by means of a deadly weapon” (citation modified)). True, the typical case involves a defendant shooting his own gun. *See, e.g., United States v. Turner*, 2025 WL 976380, at *4 (6th Cir. Apr. 1, 2025). But the enhancement specifically contemplates “transfer[ring] any firearm . . . with knowledge, intent, or reason to believe that it would be used or possessed in connection with another felony offense.” U.S.S.G. § 2K2.1(b)(6)(B) (2021). That’s what Hudson did. He sold switches to his own crew, so he had every reason to believe they’d use the devices to

No. 24-5697, *United States v. Hudson*

dole out gang violence. The district court considered all the evidence and reached that unavoidable conclusion.

C.

Finally, Hudson invites us to reconsider the district court’s decision to deny him a minor-participant adjustment. *See* U.S.S.G. § 3B1.2(b) (2021). We decline.

In determining whether to apply the adjustment, a district court should consider certain non-exhaustive factors. Those factors include the defendant’s understanding of the “scope and structure of the criminal activity,” the defendant’s role in “planning or organizing the criminal activity,” the “degree to which the defendant exercised decision-making authority,” the defendant’s participation in the “commission of the criminal activity,” and the “degree to which the defendant stood to benefit.” *Id.* cmt. n.3(C). And the defendant “bears the burden of proving a mitigating role in the offense by a preponderance of the evidence.” *Roberts*, 223 F.3d at 379.

Hudson hasn’t shown that he’s entitled to a role reduction. He was the fulcrum of the Button Boys’ Glock switch operation. So the district court made the right call. The district court based its conclusion on Hudson’s understanding of the operation’s “scope and structure.” R.122, Sent’g Tr., PageID 563. It noted that Hudson “participated in the planning” of some switch sales, conducted other sales himself, and acted as Sturgeon’s middleman. *Id.* at 563–64. The district court also considered Hudson’s “proprietary interest” in the sales. *Id.* at 564. It concluded that Hudson wasn’t a “mule,” but a full-fledged business partner. *Id.* We agree. And any reader who makes it this far would come to the same conclusion.

IV.

For these reasons, we AFFIRM.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 24-5697

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DENICO N. HUDSON,

Defendant - Appellant.

FILED
Mar 10, 2026
KELLY L. STEPHENS, Clerk

Before: SUTTON, Chief Judge; GRIFFIN and NALBANDIAN, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Eastern District of Kentucky at Covington.

THIS CAUSE was heard on the record from the district court and was submitted on the briefs without oral argument.

IN CONSIDERATION THEREOF, it is ORDERED that the judgment of the district court is AFFIRMED.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk

APPENDIX ITEM 2

JUDGMENT OF THE DISTRICT COURT

UNITED STATES DISTRICT COURT
Eastern District of Kentucky – Northern Division at Covington

UNITED STATES OF AMERICA

v.

Denico N. Hudson

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:23-CR-028-DLB-02

USM Number: 65841-510

Kerry L. Neff

Defendant's Attorney

Eastern District of Kentucky
FILED

JUL 26 2024

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

THE DEFENDANT:

☒ pleaded guilty to count(s) 1-2 [DE# 3]

☐ 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:

Title & Section	Nature of Offense	Offense Ended	Count
18:922(o), 18:2	Possession and Transfer of Machine Gun, Aiding and Abetting	January 25, 2023	1
26:5861(j), 18:2	Transported, Delivered, and Received, in Interstate Commerce, an Unregister Machine Gun, Aiding and Abetting	January 25, 2023	2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ 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.

July 25, 2024

Date of Imposition of Judgment

Signature of Judge

Honorable David L. Bunning, U.S. District Judge

Name and Title of Judge

July 26, 2024

Date

DEFENDANT: Denico N. Hudson
CASE NUMBER: 2:23-CR-028-DLB-02

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

**One Hundred Eight (108) Months on Each of Cts. 1 & 2, To Run Concurrently,
FOR A TOTAL TERM OF ONE HUNDRED EIGHT (108) MONTHS**

- ☒ The court makes the following recommendations to the Bureau of Prisons:
- That the defendant participate in a cognitive behavioral therapy program, for which he qualifies.
 - That the defendant participate in a substance abuse program, for which he qualifies, including the RDAP program.
 - That the defendant participate in any education, job skills, or vocational programs for which he qualifies.
 - That the defendant participate in a mental health treatment program, for which he qualifies.
 - That the defendant be designated to a facility as close to Cincinnati, Ohio as possible.
 - That the defendant receive jail credit from June 27, 2023 to the filing of this Judgment.

- ☒ The defendant is remanded to the custody of the United States Marshal.

- ☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at _____ ☐ a.m. ☐ p.m. on _____ .
- ☐ as notified by the United States Marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. on _____ .
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: Denico N. Hudson
CASE NUMBER: 2:23-CR-028-DLB-02

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

**Three (3) years on Ct. 1, and Two (2) years on Ct. 2, To Run Concurrently,
FOR A TOTAL OF THREE (3) YEARS**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(Check, if applicable.)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(Check, if applicable.)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(Check, if applicable.)*
7. ☐ You must participate in an approved program for domestic violence. *(Check, if applicable.)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Denico N. Hudson
CASE NUMBER: 2:23-CR-028-DLB-02

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.
14. You must comply strictly with the orders of your physicians or other prescribing source with respect to the use of any prescribed controlled substances. You must report any changes regarding your prescriptions to your probation officer immediately (i.e., no later than 72 hours). The probation officer may verify your prescriptions and your compliance with this paragraph.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: Denico N. Hudson
CASE NUMBER: 2:23-CR-028-DLB-02

SPECIAL CONDITIONS OF SUPERVISION

1. You must participate in urinalysis testing, or any other form of substance abuse testing, as directed by the probation officer. You must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing which is required as a condition of your release. You must not knowingly use or consume any substance that interferes with the accuracy of substance abuse testing.
2. You must not use or consume marijuana, or marijuana products, even if such controlled substance were to be prescribed to you by a physician, licensed professional or other person, and even if the substance may be legally distributed and/or consumed in the jurisdiction. Further, you may not purchase, possess, or use CBD oils or products without written permission and approval from the U.S. Probation Office.
3. You must submit your person, properties, homes, residences, vehicles, storage units, papers, computers (as defined in 18 U.S.C. § 1030(e)(1), but including other devices excluded from this definition), other electronic communications or cloud storage locations, data storage devices or media, or offices, to a search conducted by a United States probation officer. Failure to submit to a search will be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

DEFENDANT: Denico N. Hudson
CASE NUMBER: 2:23-CR-028-DLB-02

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 200 (\$100/CT)	\$ N/A	\$ Waived	\$ N/A	\$ N/A

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	----------------------	----------------------------	-------------------------------

TOTALS	\$ _____	\$ _____
---------------	----------	----------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Denico N. Hudson
CASE NUMBER: 2:23-CR-028-DLB-02

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than _____, or
- ☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Criminal monetary penalties are payable to:
Clerk, U. S. District Court, Eastern District of Kentucky
35 West 5th Street, Room 289, Covington, KY 41011-1401

INCLUDE CASE NUMBER WITH ALL CORRESPONDENCE

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Case Number

Defendant and Co-Defendant Names

(including defendant number)

Total Amount

Joint and Several Amount

Corresponding Payee, if appropriate

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

APPENDIX ITEM 3

EXCERPTS FROM CHANGE OF PLEA HEARING

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF KENTUCKY
3 NORTHERN DIVISION at COVINGTON
- - -

4 UNITED STATES OF AMERICA, : Docket No. 23-cr-28-2
5 :
6 Plaintiff, : Covington, Kentucky
7 : Wednesday, February 7, 2024
8 : 11:30 a.m.
versus :
DENICO N. HUDSON, :
Defendant. :

9 - - -
10 TRANSCRIPT OF REARRAIGNMENT
11 BEFORE DAVID L. BUNNING
UNITED STATES DISTRICT COURT JUDGE
- - -

12 APPEARANCES:

13 For the United States: ANTHONY J. BRACKE, ESQ.
14 U.S. Attorney's Office
15 207 Grandview Drive
Suite 400
Ft. Mitchell, KY 41017

16 For the Defendant: KERRY L. NEFF, ESQ.
17 526 Greenup Street
Covington, KY 41011

18 Court Reporter: LISA REED WIESMAN, RDR-CRR
19 Official Court Reporter
20 35 W. Fifth Street
Covington, KY 41011
(513) 266-6271

21
22
23
24 Proceedings recorded by mechanical stenography,
25 transcript produced by computer.

1 options with respect to entering a guilty plea or going to
2 trial?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: The pros and cons of both?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Are you currently taking any medications?

7 THE DEFENDANT: No, sir.

8 THE COURT: Mr. Neff, any issues regarding his
9 competence?

10 MR. NEFF: Nothing from my perspective, no.

11 THE COURT: Now, in this indictment -- and I have the
12 indictment here -- you are charged in both counts.

13 Count 1 alleges that you and others, between certain
14 dates, January 1, 2020, and January 25th, 2023, in Kenton
15 County, that Mr. Smith, you, and Mr. Sturgeon, aiding and
16 abetting -- that is, assisting -- one another, knowingly
17 possessed and transferred a machine gun, a weapon that shoots
18 or is designed to shoot or can be readily restored to shoot
19 automatically more than one shot without manually -- without
20 manual reloading by a single function of the trigger,
21 including any part designed and intended solely and
22 exclusively for use in converting a weapon into a machine gun,
23 all in violation of 18 U.S. Code Section 922(o)(2).

24 That is the formal charge in Count 1; do you understand
25 that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Count 2 alleges from on or about that
3 same time period the three of you, again aiding and abetting
4 one another, knowingly transported, delivered, and received in
5 interstate commerce a firearm; that is, a machine gun not
6 registered as required by federal law.

7 Do you understand Count 2?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And Count 3 -- well, the forfeiture only
10 involves Mr. Smith so I don't think there's any need to
11 discuss that with him.

12 Now, I wanted to just mention that both of these counts
13 are, in fact, felony counts.

14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And a felony count will deprive you of
17 certain civil rights, including the right to vote, serve on a
18 jury, hold public office, or possess a firearm for any purpose
19 at all.

20 Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And the mere possession of a firearm by a
23 felon would be a violation of federal law.

24 Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 would tell the jury it would be improper for them to consider
2 your silence in any way in determining your guilt.

3 Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you further understand by entering a
6 guilty plea, if the Court accepts that plea, there won't be a
7 trial, and you'll be waiving the rights I've gone over with
8 you, including the right not to incriminate yourself because
9 you need to admit your guilt to ensure you receive a reduction
10 for acceptance of responsibility.

11 Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: If I accept your plea of guilty, you'll
14 be adjudicated guilty of those counts and sentenced after the
15 presentence report is prepared.

16 Understood?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: I read Counts 1 and 2. Both counts
19 charge a period of time, January 2020 to January 25, 2023, so
20 approximately three years.

21 When we have a charge like this, it's not required as a
22 matter of law that you be involved the entire time. It's a
23 range of months. I don't know why the range was chosen. Make
24 sure you understand you don't have to be involved exactly on
25 January 1, 2020, and exactly on January 25, 2023. It's that

1 range.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Bracke, I have the charge. We've got
5 the transportation, delivery of a particular machine gun or
6 Glock switch.

7 Count 2 is the possession of those Glock switches.

8 Why don't you give me a summary of the proof, and I'll
9 ask the defendant about it. That's easier when we don't have
10 a plea agreement.

11 MR. BRACKE: Of the three people charged in the
12 particular case, Isaiah Smith was responsible for
13 manufacturing plastic Glock switches, conversion devices. He
14 primarily manufactured them in Ohio. He then distributed
15 them -- many, many of them -- to Demarcus Sturgeon.

16 Mr. Sturgeon then would, number one, distribute several
17 of them to Mr. Hudson.

18 Mr. Hudson also was involved in assisting Mr. Sturgeon in
19 distributing devices to other individuals, primarily in Ohio,
20 but the devices themselves were being kept in Kentucky. He
21 knew that Mr. Sturgeon was keeping them in Kentucky, and
22 Mr. Hudson kind of helped Mr. Sturgeon make connections with
23 buyers in Ohio and assisted Mr. Sturgeon in selling the
24 devices in Ohio.

25 We believe there's proof that Mr. Hudson himself also got

1 some of the devices for himself and also transferred and
2 distributed some of those devices in the course of the period
3 of time charged in indictment.

4 THE COURT: So some of these occurred in Kenton
5 County. Mr. Sturgeon kept some of them here?

6 MR. BRACKE: That's correct. That's where
7 Mr. Sturgeon primarily stored the devices. Some of the
8 distribution happened there, some of it happened in Ohio.

9 THE COURT: Did you assist Mr. Sturgeon in the manner
10 in which the United States summarized here?

11 THE DEFENDANT: I didn't, but I did get two of them.
12 Basically, you could say I did assist him because I got two of
13 them. You could say I did.

14 THE COURT: Well, he also -- that's a very small
15 subset of what Mr. Bracke mentioned.

16 THE DEFENDANT: Yes, sir.

17 MR. NEFF: Judge, we don't disagree that Mr. Hudson,
18 first of all, knew Mr. Sturgeon and received, possessed, and
19 transferred some of the Glock switches. The quantity is one
20 of the things we may dispute.

21 THE COURT: That's fine. I appreciate that. I'm
22 trying to get to did you assist in the possession or
23 transferring of a Glock switch during the time frame of
24 Count 1? We're focusing on Count 1.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Did you know some of the Glock switches
2 were being stored here in Covington or in Kenton County,
3 Latonia?

4 THE DEFENDANT: I didn't know where he was storing
5 them, but I knew he had some. Like, man, I didn't know he was
6 storing them. I would say Cincinnati. I didn't know where
7 Mr. Sturgeon was staying so I would say Cincinnati. That's
8 where I was at.

9 THE COURT: And you knew what these Glock switches
10 were used for?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And just from a Glock switch 101,
13 Mr. Bracke, can you summarize what the use of that is for?

14 MR. BRACKE: It's a device put into primarily a Glock
15 handgun. The back of the Glock handgun, as one would be
16 holding it, the back has a spot where you can insert the Glock
17 switch. The Glock switch device, once inserted, will allow a
18 user -- with one pull of the trigger, it will continue to fire
19 until the magazine is exhausted. So it converts a
20 semiautomatic handgun into a fully automatic handgun by being
21 inserted into the back of the handgun.

22 THE COURT: So it would just allow for you to pull
23 the trigger and shoot the entire magazine in a very short
24 amount of time?

25 MR. BRACKE: It will continue to shoot until it runs

1 out of ammunition or you stop pulling the trigger.

2 THE COURT: You understood that, Mr. Hudson?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, Count 2 is a little more specific.
5 This is a violation of 26 U.S. Code 5861(j) and Section 2.

6 Mr. Bracke, is this just the transportation of a Glock
7 switch that's not registered? Is that what that alleges?

8 MR. BRACKE: Essentially, Judge, yes. Mr. Sturgeon
9 transported the switches that he distributed to Mr. Hudson
10 from the Eastern District of Kentucky into Ohio as part of a
11 negotiated deal. So I think that would be with regard to the
12 Count 2 of the indictment.

13 THE COURT: All right. So do you have any dispute,
14 Mr. Neff, that factually the evidence would show that
15 Mr. Sturgeon transported Glock switches -- you mentioned two.
16 One or two, either one would be a sufficient number, but to
17 your client in that manner as far as Kentucky to Ohio?

18 I mean, he says he doesn't know it was from Kentucky, but
19 his knowledge that it came from Kentucky is not relevant.
20 Just the evidence would show that Mr. Sturgeon transported it
21 from Kentucky to Ohio and gave it to your client.

22 MR. NEFF: I think the evidence would support that,
23 yes.

24 THE COURT: All right. And the not registered as
25 required by Chapter 53 of Title 26, Mr. Bracke, can you fill

1 that in?

2 MR. BRACKE: Yes. Basically, a machine gun has to be
3 registered under the National Firearms Act. Neither
4 Mr. Sturgeon nor Mr. Hudson were registered owners of any
5 machine gun devices, including Glock switches.

6 THE COURT: Do you acknowledge that, sir? You may
7 not have known you needed to be, but that's not important.
8 What's important is there's no record you were a registered
9 owner.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you acknowledge you did not register
12 these two devices you had?

13 THE DEFENDANT: I mean, I didn't know, but I know
14 now. So, yeah, you could say that.

15 THE COURT: Hopefully, the folks in the back know
16 now. I suppose they're your folks. My eyes aren't as good as
17 they once were. He's 21, and you're probably in your late
18 30s. Maybe a little bit older, the gentleman next to you,
19 based on my vision.

20 That's fine. As long as you knew -- the record would
21 reflect and the proof would show that they were not
22 registered, and that's what you're acknowledging here?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. Sufficient factual basis as
25 relates to Counts 1 and 2?

1 MR. BRACKE: I believe so, Your Honor.

2 MR. NEFF: I agree.

3 THE COURT: One additional question. Did the
4 transportation and/or the possession occur during the time
5 frame I mentioned earlier, January of 2020 through -- during
6 that period of time, January 2020 through January 2023?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. I'm prepared to make some legal
9 findings now. I find, first, you're competent and capable of
10 entering an informed plea, that you're aware of the nature of
11 the charges and the consequences of the plea, and that the
12 plea of guilty is knowing and voluntary, satisfying the
13 essential elements of the offense, both offenses, and your
14 plea is therefore accepted and you're adjudged guilty of the
15 offenses.

16 I will order a presentence report to be prepared in the
17 manner described earlier. I would encourage you to have your
18 attorney with you during the interview.

19 Mr. Bracke?

20 MR. BRACKE: I may have missed something. Did
21 Mr. Hudson formally enter a guilty plea? I know he
22 established a factual basis.

23 THE COURT: I'm sorry. How do you to the charges in
24 Counts 1 and 2, sir? Guilty or not guilty?

25 THE DEFENDANT: Guilty.

1 THE COURT: Thank you, Mr. Bracke.

2 All right. There's certainly sufficient factual basis,
3 and he's competent to enter the plea and has, in fact, pled
4 guilty now.

5 I'd encourage you to have your lawyer with you during the
6 interview. Even though this is your first time through the
7 system, Mr. Neff has been an experienced member of the
8 defender list so he can help you and guide you through the
9 interview process.

10 As far as sentencing, based upon volume, I want to give
11 you a date that's going to be closer to the 120 days versus
12 the 90 days. Thursday, June 6. Does that date work for
13 sentencing?

14 MR. NEFF: On behalf of Mr. Hudson and my schedule,
15 that's fine.

16 MR. BRACKE: That's fine.

17 THE COURT: Sentencing will be 6/6/24 at 9:00 a.m.
18 We'll set this matter for one hour, given the potential for
19 enhancements that might be objected to.

20 Mr. Hudson, have you understood all the questions I've
21 asked?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you have any questions for me?

24 THE DEFENDANT: No, sir.

25 THE COURT: I'll vacate the pretrial and trial date

1 in this matter.

2 Counsel, anything else we need to take up before we
3 recess?

4 MR. BRACKE: Not from the United States.

5 MR. NEFF: No, Your Honor.

6 THE COURT: Defendant will be remanded to custody of
7 the marshal pending sentencing.

8 We'll be in recess.

9 (Proceedings concluded at 12:07 p.m.)

10 - - -

11
12 C E R T I F I C A T E

13 I, LISA REED WIESMAN RDR-CRR, certify that the
14 foregoing is a correct transcript from the record of
15 proceedings in the above-entitled case.

16 /s/ Lisa Reed Wiesman
17 LISA REED WIESMAN, RDR-CRR
18 Official Court Reporter

September 30, 2024
Date of Certification

APPENDIX ITEM 4
EXCERPTS FROM SENTENCING HEARING

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF KENTUCKY
3 NORTHERN DIVISION at COVINGTON

- - -

4 UNITED STATES OF AMERICA, : Docket No. 23-cr-28-2
5 :
6 Plaintiff, : Covington, Kentucky
7 : Thursday, July 25, 2024
8 : 10:00 a.m.
9 versus :
10 :
11 DENICO N. HUDSON, :
12 :
13 Defendant. :
14 :
15 - - -

16 TRANSCRIPT OF SENTENCING
17 BEFORE DAVID L. BUNNING
18 UNITED STATES DISTRICT COURT JUDGE
19 - - -

20 APPEARANCES:

21 For the United States: ANTHONY J. BRACKE, ESQ.
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23 207 Grandview Drive
24 Suite 400
25 Ft. Mitchell, KY 41017

For the Defendant: KERRY L. NEFF, ESQ.
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Covington, KY 41011

Court Reporter: LISA REED WIESMAN, RDR-CRR
Official Court Reporter
35 W. Fifth Street
Covington, KY 41011
(513) 266-6271

Proceedings recorded by mechanical stenography,
transcript produced by computer.

1 There was no plea agreement. Mr. Bracke, I understand
2 Agent Price, according to the probation officer, is going to
3 be testifying?

4 MR. BRACKE: Yes. Officer Price will, Judge.

5 If it may simplify things, number one, we don't have any
6 objection to the timeliness of the issue of the requested role
7 reduction. I think it's better -- we're prepared to address
8 it today, and it's better to litigate it today rather than
9 trying to litigate it sometime in the future.

10 THE COURT: I plan on taking everything up today,
11 including -- I'm going to mention the *Cargill* case, which
12 invalidated the regulation on bump stocks. I don't believe
13 that has any impact at all on these auto sear Glock switch
14 cases. I don't want that to become an issue down the road. I
15 think it's best to take up everything this morning.

16 MR. BRACKE: As to the Court's notice regarding the
17 *Fugate* case, Judge, we are not seeking the second enhancement
18 for connection to a felony because of the trafficking in
19 firearms. That is not our intention.

20 The United States' position is that the four-level -- the
21 trafficking in firearms enhancement only counts for the (b)(5)
22 enhancement. The United States' position is that the
23 additional four-level enhancement for possessing these
24 firearms in connection with another felony or understanding
25 that they would be used in connection with another felony is

1 due to the defendant's possession of these firearms while
2 engaged in drug trafficking and that his distribution of these
3 firearms to individuals who were engaged in various shootings,
4 other felony activity in Cincinnati.

5 THE COURT: All right.

6 MR. BRACKE: So we're not --

7 THE COURT: I appreciate that. I figured that was
8 the case, but I didn't want to just ask are you familiar with
9 *Fugate* this morning and have you not have had an opportunity
10 to review it. That's why I put on the notice yesterday.

11 MR. BRACKE: I appreciate that. To make it clear,
12 we're not seeking to -- I recognize and I understand the logic
13 in *Fugate*, and we're not asking the Court to do what
14 Judge Reeves did in the *Fugate* case. We do think that there
15 does have to be a separate felony, aside from the possession
16 of -- or transferring of Glock switches to provide for that
17 second enhancement. If we can't prove that secondary felony,
18 that different felony, then the second -- then the second
19 four-level enhancement shouldn't apply.

20 THE COURT: Very well. Thank you.

21 Okay. Have I accurately summarized the objections?

22 MR. NEFF: Yes, sir.

23 THE COURT: All right. Very well. Mr. Bracke, you
24 may call your witness.

25 MR. BRACKE: The United States calls Jeff Price.

PRICE - Direct

6

1 JEFF PRICE, GOVERNMENT'S WITNESS, SWORN

2 THE COURT: Good morning, sir.

3 THE WITNESS: Good morning.

4 DIRECT EXAMINATION

5 BY MR. BRACKE:

6 Q. Would you introduce yourself and your occupation for the
7 record.

8 A. Jeff Price. I'm a special agent with the ATF.

9 Q. Would you review your background. Is working for ATF
10 your first job in law enforcement?

11 A. It's not. In 2011, I became a police officer with the
12 Kenton County Police Department. I was then assigned to the
13 Northern Kentucky Drug Strike Force as an investigator. And
14 then in 2018, I became a task force officer with the ATF. And
15 in 2020, I was hired as a special agent with the ATF.

16 Q. During your career, let's just talk about your time at
17 Kenton County while you were in local law enforcement. How
18 many years did you spend focusing your attention on drug
19 activity?

20 A. For four years.

21 Q. And since 2018, have you continued to investigate drug
22 activity as well as firearm activity on an ongoing basis?

23 A. Yes.

24 Q. Would you review your training and experience as both a
25 task force officer and now as a special agent with ATF?

PRICE - Direct

7

1 A. So I initially was trained at the Department of Criminal
2 Justice Training in Richmond. Received multiple specialized
3 trainings, primarily focused in drug investigations.
4 Trainings by DEA, outside agencies, as well as by DOCJT. I
5 was then sent to what's called Criminal Investigator Training
6 Program at FLETC for the basic course and then the follow-on
7 course with the ATF Special Agent Training Program.

8 Q. Okay. Have you received additional training with
9 regard -- specifically about firearms, interstate nexus,
10 things of that nature?

11 A. Yes. So I've also completed the training for firearms,
12 interstate nexus expert.

13 Q. Now, are you familiar with Denico Hudson?

14 A. I am.

15 Q. Is he present in the courtroom today?

16 A. He is. He's seated next to counsel behind where you are.

17 THE COURT: Record will reflect identification of the
18 defendant.

19 BY MR. BRACKE:

20 Q. And who was the primary case agent in the investigation
21 of Mr. Hudson and his associates?

22 A. I was.

23 Q. Can you tell the Court, give the Court an overview as to
24 how you and ATF came to investigate this particular group?

25 A. So, simultaneously, I began an investigation into a

PRICE - Direct

8

1 subject named Brandon Tyler. He was possessing, and then we
2 had social media posts showing he was offering for sale Glock
3 switches, the machine gun conversion devices.

4 And at the same time -- and at that time, I did not know
5 about this -- the ATF in Cincinnati office was investigating a
6 group at the time they called The 84 Gang or The 84 Crips that
7 were committing multiple shootings in the city, armed drug
8 trafficking, things like that, and they were using Glock
9 switches equipped on the guns that they were using at that
10 time.

11 At some point in their investigation, they found that
12 they believed the source of these Glock switches was coming
13 from Kentucky that the gang was getting. That's when they
14 contacted me. They had a separate investigation as mine, and
15 we basically ran the two investigations together.

16 Q. You mentioned Glock switches or conversion devices. Can
17 you explain what they are for the record?

18 A. So it's a machine gun conversion device, a Glock switch,
19 an auto sear. It's often called a button, a switch, many
20 different terms.

21 But it's a device -- specifically, in this case, it's a
22 device that can be installed on the back of a Glock pistol.
23 The back plate is removed. This is put in its place, and
24 you've now converted that semiautomatic handgun into a fully
25 automatic machine gun.

PRICE - Direct

9

1 Q. Just for record purposes, is this something different
2 than what's commonly referred to as a bump stock?

3 A. Yes.

4 Q. It converts the actual weapon itself intrinsically into a
5 fully automatic weapon; is that correct?

6 A. Correct.

7 Q. Now, you mentioned The 84 Gang and the Button Boys. Did
8 you work in tandem with the Cincinnati officers and ATF
9 representatives in investigating that entire organization?

10 A. Yes.

11 Q. From the investigation, was Mr. Hudson a member of these
12 groups?

13 A. Yes. So there was -- they're kind of two groups, but
14 they're very interchangeable. There's a lot of crossover.
15 The 84 Gang, initially Cincinnati was referring to them as
16 The 84 Crips, they are a larger group. The Button Boys was a
17 smaller subset of that group. Most of those members were a
18 little bit younger than most of the members of The 84 Gang.

19 Q. Are you familiar with the members of these groups based
20 upon your investigation?

21 A. Yes.

22 Q. Have you interviewed sources of information about these
23 groups, including uncharged members of the conspiracy?

24 A. Yes.

25 Q. Have you interviewed multiple charged defendants in this

PRICE - Direct

10

1 case and the other related case?

2 A. Yes. I've interviewed several, as well as other agents
3 and officers in Cincinnati have interviewed others and
4 reported to me that the information they were given in those
5 interviews.

6 Q. Have you reviewed Facebook accounts of members of these
7 groups, including that of Mr. Demarco Sturgeon as well as
8 Mr. Hudson?

9 A. Yes.

10 Q. Have you reviewed jail communication, calls, and text
11 messages sent by the defendant from the jail?

12 A. Yes.

13 Q. Up before you, we have a chart that's marked --

14 MR. BRACKE: Judge, may I approach the witness for
15 this?

16 THE COURT: You may.

17 Q. -- as Government Exhibit 3.

18 MR. BRACKE: Mr. Walters has an electronic version of
19 this, Judge, he can call up on the screen.

20 It's difficult to see the scope of the whole thing on the
21 electronic version so I thought we ought to have a physical
22 version as well.

23 THE COURT: All right. Thank you.

24 BY MR. BRACKE:

25 Q. Can you explain what's shown in Government Exhibit 3?

PRICE - Direct

11

1 Can you give us an explanation as to what this document is and
2 how it was created?

3 A. So this is an intelligence chart that was made by the
4 Cincinnati CGIG or Crime Gun Intelligence Center. At the
5 time, the primary source at this time of the investigation was
6 Demarco Sturgeon. That's why you see him at the top.

7 This depicts multiple things. Some of the people on the
8 top, like as you're facing it, your top left is Esmon Reed.
9 That picture, that group, and those connected shootings were a
10 straw purchasing group that provided guns to Demarco Sturgeon
11 and others for him to then resell.

12 If you go to the top right of the chart, you see Clifton
13 Barnett, Cylus Rowe, same thing. Those are a group of people
14 that they did traffic in machine gun conversion devices. But
15 primarily, their duty was to straw purchase firearms and then
16 provide those firearms to Demarco Sturgeon so that he could
17 resell those.

18 THE COURT: So this is not -- Mr. Hudson is not
19 involved with the straw purchase portion of this, in your
20 view?

21 THE WITNESS: I believe that some of the straw
22 purchased guns eventually ended up with Mr. Hudson and other
23 members of the group, but he was not involved with the
24 purchase portion.

25 THE COURT: That was my understanding as well.

PRICE - Direct

12

1 THE WITNESS: Correct. Yes, sir.

2 BY MR. BRACKE:

3 Q. He was never accused of being a straw purchaser for
4 Mr. Sturgeon; is that correct?

5 A. No.

6 Q. Now, so you talked about those -- that side of it, the
7 straw purchasing side of it. Does the chart also show
8 individuals involved in the manufacturing and distribution
9 and, ultimately, receipt of Glock switches by this group?

10 A. It does. As you go straight down, you see Isaiah Smith,
11 who, through the investigation, we learned to be the actual
12 manufacturer of the Glock switches. And we learned from him
13 and others that Demarco Sturgeon was his primary customer that
14 he provided the Glock switches to.

15 And we learned from Demarco Sturgeon and others that as
16 you go down a little bit to your left, you'll see Denico
17 Hudson. Denico Hudson was the primary customer of the Glock
18 switches that Demarco Sturgeon then resold. You see other
19 people here that were connected to him that received Glock
20 switches from him.

21 If you go to your left, you see someone named Brian
22 Wright. He's also on social media known as Budda Banz was one
23 of the names we had before he had an actual name.

24 Q. Budda Banz was B-u-d-d-a B-a-n-z?

25 A. B-a-n-d-z, I believe, yes. And then you see the firearm

PRICE - Direct

13

1 that was recovered from him and also the connections that that
2 firearm had to multiple shootings. That firearm was connected
3 to each of these little circles that you see with the shell
4 casings, and Brian Wright is a suspect in all of those
5 shootings. He was indicted for one of those shootings. I
6 believe it's the one that's in yellow.

7 One of those shootings, four people, all four armed with
8 Glock switches on their pistols and extended magazines, on I
9 believe it was Hutchins was the street in Avondale. They went
10 to collect a street bounty on someone's head to murder someone
11 in exchange for at the time what they were told was going to
12 be \$25,000 if they were successful.

13 THE COURT: What was the name of the individual who
14 got indicted?

15 THE WITNESS: Brian Wright.

16 THE COURT: Brian Wright. What does your
17 investigation reveal regarding the connection with this
18 defendant?

19 THE WITNESS: He is an associate of The 84 and Button
20 Boys and a close friend of Denico Hudson. They're often
21 pictured together, showing off the guns that they have, Glock
22 switches, drugs, currency, things like that. He's also in a
23 music video that was put on YouTube.

24 So Mr. Wright was involved in that shooting. There were
25 four people in the car. There was approximately a hundred

PRICE - Direct

18

1 Dante Terry.

2 THE COURT: Can you enlarge that, Rich? That might
3 be helpful.

4 MR. BRACKE: Yes. Let's work on that side.

5 THE WITNESS: Thank you, Rich.

6 A. So there's a Dante Terry who was arrested, 2203 Queen
7 City. When arrested, he was in possession of a Glock equipped
8 with a Glock switch. We also know, after speaking to Isaiah
9 Smith and Demarco Sturgeon and the photographs and the text
10 messages, the photographs from the Facebook and other social
11 media records, the type of Glock switch, the plastic 3D
12 printed one that was on the firearm that Mr. Terry was in
13 possession of matches the type that Isaiah Smith detailed that
14 he manufactured and sold to Demarco Sturgeon and matches the
15 type that Demarco Sturgeon then resold to Mr. Hudson.

16 Q. There's also an individual shown in there named Charles
17 Mitchell. Can you identify that person, please?

18 A. That's, I believe, Charles Mitchell, Junior. They often
19 called him Peanut or Nut. He's a close associate of Denico
20 Hudson, one of the Button Boys group. He's also in the music
21 video that I referenced earlier.

22 There's a search warrant that occurred at his residence.
23 Firearms were recovered. Drugs were recovered. I believe the
24 only arrest was of his father, but I don't believe he was
25 charged with the firearms. I don't think they were able to

PRICE - Direct

19

1 charge anyone with the firearm possession, where they were
2 located or something. I'm not exactly sure. That occurred in
3 Cincinnati.

4 Q. Moving down, we have an individual named Deangelo Knox.

5 MR. BRACKE: Rich, can you move the highlighted
6 section.

7 Q. Let's talk about Deangelo Knox. Can you identify how he
8 was connected to this group?

9 A. Deangelo Knox is also -- his social media was usually
10 called Fast Cash. There's actually a group picture that
11 exists of pretty much everyone in this group that was used to
12 help identify them. He's in the picture. He's a close
13 associate. They often discuss him in their Facebook and other
14 messages. He also talks to them in his. He's been the
15 suspect of several shootings in Northern Kentucky and
16 Cincinnati.

17 Q. And Brandon Tyler you've already referenced; is that
18 correct?

19 A. Correct.

20 Q. He's another one of the associates?

21 A. He's the person that kind of began my investigation
22 because he was the first person that we, through social media
23 posts, suspected of possessing and selling the conversion
24 devices.

25 Q. So overall, would it have been fair to say this chart

PRICE - Direct

20

1 reflects the linking of this group to various shootings as
2 reported through Cincinnati; is that correct?

3 A. Correct. It also kind of connects, like, the Facebook
4 names that they would use, as opposed to their real names.
5 Connects those Facebook names, and search warrants were
6 executed on Facebook so we also have a lot of drug trafficking
7 conversations, a lot of conversations about trafficking in
8 guns, trafficking in Glock switches in the connected Facebooks
9 as well.

10 Q. Can you give us an idea as to how many different
11 individuals who are shown in there who you've had through
12 search warrants and consent searches reviewed contents of
13 Facebook messages that they have posted?

14 A. I would say probably eight to ten.

15 Q. That includes Mr. Hudson?

16 A. Yes.

17 Q. Demarco Sturgeon?

18 A. Yes.

19 Q. Dante Terry?

20 A. Yes.

21 Q. Okay. And other individuals; is that correct?

22 A. Yes.

23 MR. BRACKE: Judge, we'll move the admission --

24 Q. First of all, there's an individual who is kind of
25 blacked out and the name is covered up. Their name's been

PRICE - Direct

21

1 redacted. That's a juvenile; is that correct?

2 A. Yes.

3 Q. Can you give us an overview of the juvenile's involvement
4 in this particular group?

5 A. The juvenile was provided firearms by Demarco Sturgeon
6 and also purchased Glock switches and drugs from both Isaiah
7 Smith and the person you see at the bottom, Jarrett Elliott.

8 Q. He was another member of the group; is that correct?

9 A. Correct.

10 Q. Did that juvenile ultimately provide information in the
11 investigation?

12 A. He did.

13 Q. Was his information consistent with information provided
14 by Mr. Sturgeon?

15 A. It was.

16 Q. And the cooperating witness?

17 A. Yes.

18 MR. BRACKE: Did I move admission of 3?

19 THE COURT: Any objection to 3?

20 MR. NEFF: No, Your Honor.

21 THE COURT: Let it be received without objection.

22 BY MR. BRACKE:

23 Q. You made reference to a video; is that correct? That's
24 shown in Government's Exhibit 2; is that correct?

25 A. Yes.

PRICE - Direct

22

1 Q. Now, the video itself, can you -- it's an actual
2 2 minute 40 second video posted on YouTube; is that correct?

3 A. Correct.

4 Q. Despite our efforts, were we able to make a copy that
5 could be put on a disk?

6 A. No. Basically, the government computers were unable to
7 download the video due to whatever security means.

8 Q. However, have you obtained screenshots made from various
9 portions of that video depicting individuals and items shown
10 in the video relevant to the investigation?

11 A. Yes.

12 Q. And have those items been captured on the disk marked as
13 Government's Exhibit 2?

14 A. Correct.

15 Q. Is it a true and accurate electronic duplicate of images
16 from that video?

17 A. It is.

18 MR. BRACKE: Judge, we move the admission of
19 Government Exhibit 2. We've sent the entire video over to
20 Mr. Neff so everything on -- all the still shots are in that
21 particular video. So we'd like to admit that and show some
22 images.

23 THE COURT: Mr. Neff?

24 MR. NEFF: So on the CD marked Government's
25 Exhibit 2, I've just received it this morning. I did receive

PRICE - Direct

23

1 the email. This is the video or this is --

2 MR. BRACKE: It's just the still shots. 2a through
3 2o are still shots from the video.

4 MR. NEFF: Judge, I guess I would have to object to
5 the authenticity of them if we're not able to see the entire
6 video these were pulled from.

7 MR. BRACKE: Judge, we can have Mr. Walters call the
8 video up from YouTube and play it if the Court would like to
9 review it.

10 THE COURT: Why don't we do that. You're saying that
11 the -- it would be 15 or so odd screenshots on Government
12 Exhibit 2 are taken from the video which we're about to see?

13 THE WITNESS: Yes, sir.

14 THE COURT: In fact, if that is, in fact, the case,
15 the objection will likely be overruled.

16 And why can't we admit the whole video?

17 MR. BRACKE: We weren't able to make a copy of it.

18 THE COURT: Well, again, my technological skills are
19 somewhat lacking. But if I have my iPhone, and I pull up,
20 let's say, on the computer here, I could video the YouTube and
21 then submit that.

22 MR. BRACKE: We didn't try that, Judge.

23 THE COURT: That can be done, can't it?

24 THE WITNESS: It could.

25 MR. BRACKE: And I've done it in another case. We

PRICE - Direct

24

1 didn't try that, did we?

2 THE WITNESS: We didn't do that.

3 MR. BRACKE: We'll see if we can get it.

4 THE COURT: You've seen the video, Mr. Neff?

5 MR. NEFF: I've seen it. I was able to watch it,
6 yes.

7 THE COURT: Is it something that was just provided
8 yesterday, or was it provided previously?

9 MR. BRACKE: We obtained -- I think Agent Price sent
10 me the video on Sunday. I sent it to Mr. Neff when I returned
11 to the office on Tuesday, and we just made the still shots.
12 The still shots were made, I think, yesterday.

13 THE COURT: Let's play the video, if we can. If you
14 can't, that's fine. Just let us know.

15 For record purposes, the chart itself will be admitted.

16 MR. BRACKE: It rolls up. It's not glued to that
17 particular board. I have it flipped to the board for viewing
18 purposes.

19 THE COURT: I'm saying for any appellate review, I
20 think it would be important to have that accessible to any
21 reviewing court.

22 MR. BRACKE: We'll turn it over to the clerk.

23 THE COURT: Thank you. That's Exhibit 3.

24 Don't want to cause viruses with anything so maybe it's
25 better not to play it.

PRICE - Direct

25

1 Mr. Bracke, while we're doing this, can you remind me
2 what is on the video or what you believe to be on the video?
3 Is this a song that was made?

4 BY MR. BRACKE:

5 Q. Agent Price, first of all, you've reviewed the video?

6 A. Yes.

7 Q. First of all, just based upon you looking at the video,
8 are these still shots directly captured from the video?

9 A. Yes.

10 Q. The only change to them at all is I think there have been
11 some circles placed around various things to highlight them;
12 is that correct?

13 A. Correct.

14 Q. Other than the circles, these are exact duplicates of
15 freeze frame portions of that video; is that correct?

16 A. Correct.

17 Q. Can you give an overview of what the video basically
18 shows?

19 A. The video shows numerous individuals possessing guns,
20 many of them equipped with Glock switches. Mr. Hudson is one
21 of those individuals. So is Charles Mitchell, Junior, and so
22 is Brian Wright. All three of those people are in the video
23 possessing firearms and holding it in such a way to show off
24 that they are equipped with Glock switches.

25 THE COURT: There was a picture attached to your

PRICE - Direct

26

1 sentencing memo of a number of folks showing the --

2 MR. BRACKE: We have those too.

3 THE COURT: Very well. I'll go ahead and allow this
4 to be played over the defendant's objection. I think it was a
5 subset of the -- is this the actual video? You were able to
6 pull up it?

7 Great. We'll just play it.

8 (YouTube video played.)

9 THE COURT: As far as making that part of the
10 record --

11 MR. BRACKE: With the Court's permission, we'll do
12 what the Court suggested, and I'll have Agent Price make a
13 video with his phone showing this -- playing it on a computer
14 and videoing it. We'll put it on the disk, make a copy for
15 Mr. Neff and submit it to the Court as supplemental exhibit --
16 I think my last number will be -- it will be our last number.
17 We'll submit to the Court afterwards.

18 THE COURT: Any objection to that?

19 MR. NEFF: No, Your Honor.

20 THE COURT: We'll add it to the exhibits and get a
21 number from you at the conclusion of the hearing.

22 MR. BRACKE: Thank you, Judge.

23 BY MR. BRACKE:

24 Q. So Exhibit 2 is a disk of still shots, is that correct,
25 from that video we just saw?

PRICE - Direct

27

1 A. It is.

2 Q. And do you have that disk here?

3 A. I do.

4 MR. BRACKE: Judge, we'd like to admit Exhibit 2 at
5 this time, and then we'll show the individual subfiles are
6 labeled 2a through 2o.

7 THE COURT: All right.

8 MR. BRACKE: So move the admission of 2.

9 THE COURT: 2?

10 MR. BRACKE: Yes.

11 THE COURT: Now that we've seen the whole video,
12 assuming these are still shots, any objection?

13 MR. NEFF: If that's what's on this CD, no objection.

14 THE COURT: Let it be received, Exhibit 2. And then
15 the sub-exhibits, 2a through 2o, are part of Exhibit 2.

16 MR. BRACKE: Mr. Walters has those exact files off
17 the hard drive. We can play them off the hard drive or the
18 disk.

19 MR. NEFF: Hard drive is fine. Whatever is easier.

20 BY MR. BRACKE:

21 Q. Let's start with 2a, the first subfile. Can you show us
22 what -- what's in 2a?

23 A. So this is Denico Hudson in the center of the screen.
24 He's wearing purple pants and a black t-shirt. And then
25 basically on his right hip, you can see the pistol he's later

PRICE - Direct

28

1 going to show us more closely with the extended magazine
2 protruding from it.

3 Q. Are there any other individuals that you specifically can
4 identify in this particular video?

5 A. I've been told the name of the subject on the left with
6 the black shorts, black t-shirt, and longer hair, but I don't
7 remember his name. He's the -- he's going by his rap name on
8 the video, but I'm not sure of his name. The only one I know
9 from this investigation in the video is Denico Hudson.

10 Q. This is from 26 seconds into the video; is that correct?

11 A. Correct. From this screenshot, he's the only one that I
12 recognize from this case.

13 Q. Go to 2b. And, again, what's shown in this? This is
14 from 39 seconds into the video; is that correct?

15 A. Yes. This is just another photo of Denico Hudson. You
16 can see the shirt and what's printed on it a little better in
17 this picture. I believe we have some other pictures that are
18 just still photos that were on social media of him wearing the
19 exact outfit.

20 Q. Go to 2c. This is from how long into the video?

21 A. It's 49 seconds.

22 Q. Okay. What does it show?

23 A. So in the red circle is Denico Hudson. He's now, in his
24 right hand, holding the Glock pistol with the extended
25 magazine. If you look closely at the back of where the slide

PRICE - Direct

29

1 would be on the pistol, you can see the Glock switch that's
2 installed on it. It's not smooth like a factory Glock would
3 be. It has the device already installed.

4 And then just to the right of Mr. Hudson in the white
5 t-shirt, he's also holding a pistol in his left hand, lower,
6 that is Brian Wright, known as Budda Banz.

7 Q. And that's the person you discussed being involved in the
8 shooting on July 25th, 2022; is that correct?

9 A. It is. And I can also tell that this video was recorded
10 before that occurred because, as I said, he was shot in the
11 face twice during that shooting, and he does not have the
12 scars on his face in this video that he has now.

13 Q. Are there other individuals besides Mr. Wright and
14 Mr. Hudson in this video, at this freeze frame, carrying
15 firearms?

16 A. There is. There's another -- so there's, on the right,
17 not the far right, there's someone in, like, navy blue
18 sweatpants with a hoodie who is also carrying a gun. And then
19 I cannot tell what the person in the middle in the black
20 shirt -- he's got something in his right hand, but I can't
21 tell exactly what is here.

22 Q. Let's go to 2d. How far into the video is this?

23 A. It's exactly one minute.

24 Q. And can you outline what you notice from your review of
25 this still shot?

PRICE - Direct

30

1 A. So in the red circle is Mr. Hudson, again holding the
2 Glock with the switch equipped, holding it sideways and
3 showing the profile well so we can clearly see the switch is
4 installed.

5 To his right is Brian Wright, also holding a pistol with
6 an extended magazine. It does appear to be a Glock pistol,
7 but his hand is covering where the switch would be so I can't
8 see it at this moment.

9 And then one more over to the right, in the black
10 t-shirt, is Charles Mitchell, Junior, who they often called
11 Nut or Peanut. He's also holding a Glock pistol in his right
12 hand with an extended magazine, the Glock switch equipped on
13 that.

14 Q. You can actually make out the Glock switch on the gun
15 Mr. Mitchell is using?

16 A. Yes.

17 Q. We've got another individual in the blue shirt again
18 with --

19 A. Same navy blue, pointing a gun toward the camera.

20 Q. Go to 2e, as in Edward.

21 A. So on the far left is Brian Wright again. Don't see
22 anything his hands. I can't see his right hand. And then --
23 sorry, on far left.

24 Bottom right, far right corner is someone holding what
25 appears to be the same tan Glock pistol with the switch

PRICE - Direct

31

1 installed. You can see that person has a t-shirt on that has
2 the exact same design printed -- it says "Envy Attire," purple
3 on top and white on bottom -- as Mr. Hudson is wearing in the
4 previous pictures.

5 Q. Go to 2f. Can you outline the items of significance --
6 first of all, how far along in the video is this?

7 A. We're 1:06 into the video. Slightly to the left, off
8 center, is Mr. Hudson with the tan Glock pistol, same attire.
9 He's tilting the gun to show the profile so that we can see
10 that it has the Glock switch installed. And then to our left,
11 one person, there's a subject wearing a medical mask and a
12 black cap who's holding either an AR rifle or an AR style
13 pistol.

14 Q. Go to 2g.

15 A. In the circle is Denico Hudson holding the tan Glock
16 pistol with the Glock switch equipped, extended magazine. To
17 the left is another picture of Brian Wright.

18 Q. 2h.

19 A. So Denico Hudson is on the right in the red. And then
20 directly to the left is Brian Wright with the Glock pistol.
21 But at this point, the angle is enough that you can see that
22 the Glock pistol he's holding is also equipped with the Glock
23 switch and has the extended magazine.

24 Q. 2i.

25 A. Far left again, this is Denico Hudson holding the tan

PRICE - Direct

32

1 pistol with the extended mag. Right next to him, Brian Wright
2 with a pistol. And right next to him with his arm around him
3 is Charles Mitchell, Junior. And then there's another -- in
4 the far right, there's someone in a white t-shirt holding a
5 pistol with an extended mag, but I don't recognize that
6 person.

7 Q. 2j.

8 A. In the red circle again is Denico Hudson. He's holding
9 what looks to be U.S. currency in his left hand and then a tan
10 Glock pistol with the Glock switch in his right hand. And on
11 the left of the screen in the white shirt is another picture
12 of Brian Wright holding a pistol.

13 Q. 2k.

14 A. This is at 1:22 into the video. Far left is Denico
15 Hudson, and then next to him is Charles Mitchell, Junior.
16 He's holding the Glock with the extended magazine by the
17 magazine upside down and holding it up in such a way that we
18 can see that there's a Glock switch equipped.

19 Q. 2L.

20 A. So on the red circle, you see what appears to be a
21 matching tan Glock to what Mr. Hudson has been holding the
22 entire video with the extended mag and the Glock switch, but
23 you can't see exactly who's holding it. I think you can see
24 half of his face at the bottom behind his arm, but not certain
25 that's him.

PRICE - Direct

33

1 And Brian Wright holding the Glock with the switch
2 installed, extended magazine. It's kind of pointing up,
3 appears to be pointing up toward the person on top of the car
4 in this video.

5 Q. 2m.

6 A. It's 2:07 into the video. On the far left is Denico
7 Hudson holding the tan Glock with the extended mag Glock
8 switch again. Next to him, Brian Wright again holding -- both
9 holding the pistols the way they often do in the video, in a
10 way that to me appears they're trying to show off for the
11 camera or for people watching that their Glocks do have
12 switches installed on them.

13 Q. 2n.

14 A. In the center in the red circle is Denico Hudson with the
15 tan Glock with the switch and magazine again. Brian Wright is
16 to the left with the pistol. His face is hidden partially by
17 the pistol. See another pistol with the switch and magazine
18 behind him. Can't see exactly who's holding it, but based on
19 the hair, it appears at least similar if not to be Charles
20 Mitchell, Junior. On the bottom left, the same subject with
21 the AR rifle or pistol. And then bottom right in front of
22 Mr. Wright is the subject with the other pistol in the white
23 shirt.

24 Q. And 2o.

25 A. So in the red circle is Denico Hudson holding up the tan

PRICE - Direct

34

1 Glock pistol with the switch and the mag upside down. Again,
2 holding it in what looks to be an abnormal and unnatural way
3 but in a way that shows you can see the switch is installed.
4 And then Charles Mitchell, Junior, is in front of him in the
5 black shirt holding the gun in an odd manner as well to show
6 the switch.

7 Q. Overall, from looking at the video, at least the guns
8 carried by Mr. Hudson, Mr. Mitchell, and Mr. Wright all had
9 Glock switches installed on them; is that correct?

10 A. Correct.

11 Q. In the course of the investigation, did you have occasion
12 to interview Mr. Sturgeon?

13 A. I did.

14 Q. And multiple times?

15 A. Yes.

16 Q. Are you familiar with Mr. Sturgeon's plea agreement and
17 the facts he admitted in his plea agreement?

18 A. I am.

19 Q. I'm going to ask you to look at what's marked for
20 identification as Government's Exhibit 4. Can you identify
21 that item for us?

22 A. Yes. This is Mr. Sturgeon's plea agreement.

23 Q. And does it -- did Mr. Sturgeon and counsel sign off on
24 that?

25 THE COURT: That would have been counsel for

PRICE - Direct

35

1 Mr. Sturgeon, of course.

2 THE WITNESS: They did.

3 BY MR. BRACKE:

4 Q. And this is the actual plea agreement that was filed with
5 the Court; is that correct?

6 A. Yes.

7 MR. BRACKE: Move the admission of Government's
8 Exhibit 4.

9 MR. NEFF: No objection.

10 THE COURT: Let it be received without objection.

11 BY MR. BRACKE:

12 Q. Based upon -- I'm going to ask you to look at the third
13 paragraph and its subsections in that particular plea
14 agreement. Is that a statement of facts offered by
15 Mr. Sturgeon in support of his guilty plea?

16 A. It is.

17 Q. And based on your understanding, did Mr. Sturgeon affirm
18 these facts during the course of his guilty plea?

19 A. He did.

20 Q. Have you reviewed the statement of facts?

21 A. I have.

22 Q. Is it consistent with statements that you obtained from
23 Mr. Sturgeon during your interviews of him?

24 A. It is. In his initial interview, he stated the same
25 facts, the same behavior. He minimized the numbers of machine

PRICE - Direct

36

1 gun conversion devices that he had sold in his initial
2 interview.

3 Q. Subsequently, did Mr. Sturgeon admit to a larger number
4 that he'd been minimizing?

5 A. He did.

6 Q. Specifically, under 3(a), did Mr. Sturgeon admit to
7 collaborating with Isaiah Smith and Denico Hudson to possess
8 and transfer machine conversion devices?

9 A. He did.

10 Q. And did he outline that he had sold the bulk of these
11 devices to Mr. Hudson and that Mr. Hudson assisted him in
12 making multiple sales of these devices to other customers?

13 A. He did.

14 Q. Moving down to the 3(h), in that particular paragraph,
15 did Mr. Sturgeon make an admission regarding the number of
16 machine gun devices, conversion devices that were involved in
17 this ongoing effort?

18 A. He did. Well, he admitted to over 25 but didn't give an
19 exact number. I believe there's a different number later in
20 this document.

21 Q. And during the -- ultimately, as reflected in here, you
22 interviewed Isaiah Smith as well; is that correct?

23 A. Correct.

24 Q. And did Mr. Smith give an indication as to how many
25 conversion devices he manufactured and distributed through

PRICE - Direct

37

1 Mr. Sturgeon to various individuals?

2 A. Yes. He said he that manufactured and distributed over
3 80 Glock switches.

4 MR. BRACKE: Judge, we'll move the admission of
5 Government's Exhibit 4.

6 THE COURT: It's been admitted.

7 MR. BRACKE: Thank you.

8 BY MR. BRACKE:

9 Q. Based on information received from Mr. Sturgeon, did
10 that -- was that used to obtain the search warrant for
11 Mr. Smith's residence and other locations?

12 A. Yes.

13 Q. And did that information -- were you able, through the
14 execution of that search warrant, to, first of all, locate
15 Mr. Smith?

16 A. Yes.

17 Q. And were you able to seize firearm conversion devices and
18 other items used to manufacture those devices?

19 A. Yes. He had a conversion device, and he also had the 3D
20 printers. He had multiple that he used to manufacture them,
21 as well as the computer he used to run the printers.

22 Q. Was Mr. Smith cooperative in helping you locate the
23 computer and the printer?

24 A. Yes.

25 Q. Did you have occasion to interview Mr. Smith?

PRICE - Direct

38

1 A. I did.

2 Q. And ask you to take a look at Government's Exhibit 5.
3 Can you identify that for us?

4 A. It's Isaiah Smith's plea agreement.

5 Q. And, again, is it signed off on by both Mr. Smith and his
6 counsel?

7 A. It is.

8 Q. And is it the exact copy of the plea agreement filed with
9 the Court for Mr. Smith?

10 A. It is.

11 Q. Okay. And, again, looking at paragraph 3, is that the
12 statement of facts offered in support of Mr. Smith's plea
13 agreement?

14 A. It is.

15 Q. And based upon your understanding, did Mr. Smith again
16 affirm these facts were accurate during his plea?

17 A. He did.

18 Q. Looking at the -- specifically, did Mr. Smith again, did
19 he acknowledge collaborating with Demarco Sturgeon and Denico
20 Hudson to possess and transfer machine gun conversion devices
21 in 3(a)?

22 A. He did.

23 Q. Looking down to 3(h), did Mr. Smith also acknowledge that
24 the group was involved in distributing more than 25 conversion
25 devices?

PRICE - Direct

39

1 A. He did.

2 Q. And, again, he admitted the distribution of more than 80
3 of them; is that right?

4 A. Correct.

5 Q. Did Mr. Sturgeon outline to you kind of the process that
6 he went through, how he got the switches, and how he was
7 involved in distributing? Kind of how they passed through
8 hands and how he connected with these different people?

9 A. He did. He stated that he would purchase the switches in
10 bulk from Isaiah Smith. Sometimes he would pay cash,
11 sometimes he would trade him for firearms in exchange for the
12 Glock switches. Sometimes these transactions occurred in
13 Cincinnati, and sometimes they occurred in Covington.

14 He said once he had possession of them, he would then
15 look for buyers to sell them to, and his primary buyer for all
16 of the Glock switches that he received from Mr. Smith was
17 Denico Hudson.

18 Q. And the bulk of Mr. Smith's switches that he manufactured
19 went to Mr. Sturgeon; is that correct?

20 A. Correct.

21 Q. So we started with 80 plus, went down to Mr. Sturgeon.
22 The bulk of them went to Sturgeon. Sturgeon sold the bulk of
23 those, more than 25, to Mr. Hudson; is that correct?

24 A. Correct.

25 Q. And through Mr. Hudson to other people?

PRICE - Direct

40

1 A. Correct. Sturgeon explained that -- and it's also shown
2 in some of the Facebook records and things, that he sold
3 switches directly to Mr. Hudson but also sold to buyers that
4 he was provided by Mr. Hudson.

5 Q. In fact, the bulk of these transactions that occurred to
6 the customers, both to Mr. Hudson and to customers brought to
7 the table by Mr. Hudson, where did those transactions happen?

8 A. They happened at Mr. Hudson's apartment in Cincinnati.

9 Q. And this location where the Glock switch transactions
10 happened between Sturgeon, Hudson, and the other customers
11 brought to the table, is that another location where
12 Mr. Sturgeon would go for drug activity?

13 A. It is. He said that he -- both he and his girlfriend,
14 Mariah Smith, said they would go there to buy drugs from
15 Denico Hudson. Sometimes they would pay in cash. Sometimes
16 they would pay by trading Glock switches.

17 Q. And this occurred -- these were independent interviews
18 between Mr. Sturgeon and yourself and Ms. Smith and yourself;
19 is that correct?

20 A. Correct.

21 MR. BRACKE: Judge, we'd move the admission of
22 Government's Exhibit 5 at this time.

23 THE COURT: Any objection to 5?

24 MR. NEFF: No, Your Honor.

25 THE COURT: Let it be received without objection.

PRICE - Direct

41

1 BY MR. BRACKE:

2 Q. The information that you received from Mr. Sturgeon about
3 this relationship between Mr. Sturgeon, Mr. Smith, and
4 Mr. Hudson and their various roles in it, did you also -- did
5 you and other agents also discuss this exact relationship with
6 the cooperating witness that we've referred to from before?

7 A. We did.

8 Q. The information from the cooperating witness, was it
9 consistent with what you heard from Mr. Sturgeon and
10 Mr. Smith?

11 A. It was.

12 Q. Did you also -- you've talked about reviewing eight-plus
13 Facebook accounts. Did you review the Facebook accounts of
14 Mr. Smith, Mr. Sturgeon, and Mr. Hudson?

15 A. Yes.

16 Q. From the contents of those Facebook accounts, were they
17 consistent with the information provided by the cooperating
18 witness, Mr. Sturgeon, and Mr. Smith?

19 A. Yes.

20 MR. BRACKE: Judge, the Facebook review will take
21 some time. I know we were going to take a break at 11:00.

22 THE COURT: We'll break at this point. And then
23 we'll just be on hold until you get back. Mr. Neff is going
24 to be with you downstairs anyway, I suppose. So both of you
25 arrive, let the court security officer know, and we'll come

PRICE - Direct

42

1 back and resume the testimony of Officer Price.

2 MR. BRACKE: Thank you, Judge.

3 (Recess from 10:54 a.m. until 11:58 a.m.)

4 THE COURT: You may proceed, Mr. Bracke.

5 BY MR. BRACKE:

6 Q. Agent Price, when we left off, we had discussed you had
7 reviewed various Facebook postings and things from multiple
8 individuals, including the defendant; is that correct?

9 A. Correct.

10 Q. I'd ask you to look, you have with you Government's
11 Exhibit 6a through 6o. Could you identify what those items
12 are?

13 A. These are photographs taken from, primarily from Denico
14 Hudson's Facebook account.

15 Q. And do they fairly and accurately depict -- are these
16 printouts of images obtained through a search warrant for that
17 Facebook account?

18 A. For that account, and I believe some of the photos toward
19 the end are from other accounts of associates.

20 Q. And are these true and accurate copies of the -- the ones
21 from the other accounts, are they true and accurate copies of
22 those accounts?

23 A. They are.

24 MR. BRACKE: Judge, we'd move the admission of
25 Government's Exhibit's 6a through 6o.

PRICE - Direct

43

1 THE COURT: Any objection?

2 MR. NEFF: No, Your Honor. These are all photographs
3 we've previously seen.

4 THE COURT: Very well. Let them be received without
5 objection.

6 BY MR. BRACKE:

7 Q. I'm showing you -- let's start with Government's 6a. Can
8 you identify what this item is?

9 A. The photograph on your left is Denico Hudson, and on your
10 right is Demarco Sturgeon. They're both holding quantities of
11 U.S. currency.

12 Q. During the period of time covered in this indictment,
13 from your investigation, was Mr. Hudson, did he have a
14 legitimate source of income?

15 A. None that we could tell.

16 Q. Are you aware of him reporting any -- making any claims
17 about having a job?

18 A. I believe there was something that involved working for
19 his mother's dispensary was in a previous report.

20 Q. And did -- are you aware of an investigation to see if
21 his mother, indeed, had a marijuana dispensary?

22 A. The information I received was that she did not have a
23 legally registered dispensary at that time.

24 Q. Government's Exhibit 6b, can you identify what's shown in
25 that picture?

PRICE - Direct

44

1 A. It's a photograph of Mr. Hudson. In his right hand, he's
2 holding a Glock that's equipped with a switch on the back.

3 Q. Exhibit 6 -- just from the appearance of that particular
4 gun, can you compare the appearance of that gun with the Glock
5 switch to the gun displayed with a Glock switch in the video?

6 A. The gun in the video that Mr. Hudson was holding was tan
7 colored. This one's black.

8 Q. Exhibit 6c, can you identify what's in that picture?

9 A. Looks like Mr. Hudson. You can't see his face, but it's
10 the exact same outfit, holding what appears to be the same
11 firearm, and you can also see the extended magazine better in
12 this view, as well as the switch.

13 Q. 6d, as in David, can you tell us what's in that
14 particular picture?

15 A. This was posted by Mr. Hudson to his social media
16 account. It's a picture of multiple people standing in a
17 circle. Each one is holding a Glock pistol equipped with a
18 switch. There's actually multiple types of switches in this
19 picture.

20 THE COURT: When you say social media account,
21 Facebook is social media. Is that what you're talking about
22 here, or is it some other method?

23 THE WITNESS: It's either social media -- it's either
24 Facebook or Instagram. I can't recall exactly. Many of the
25 photos were posted to both accounts, both his Instagram and

PRICE - Direct

45

1 his Facebook.

2 THE COURT: Thank you.

3 BY MR. BRACKE:

4 Q. In this particular picture, how many firearms with Glock
5 switches are depicted?

6 A. There's four in this photo.

7 Q. And what's the reference in the middle of it?

8 A. "600. Get in where you fit in" is a reference to that
9 they're available for sale and that the price is \$600.

10 Q. In the middle, above that, the label -- what's the label
11 of that in the middle?

12 A. It's a song called "Button Boys" by some artist, but it's
13 also the name that this group that Mr. Hudson was in, that
14 they referred to themselves as the Button Boys.

15 Q. Can you identify what's in 6e, as in Edward?

16 A. It's Mr. Hudson again with a quantity of U.S. currency
17 both in his hand and on the ground.

18 Q. 6f, as in frank?

19 A. Photograph of Mr. Hudson, appears to be in a public
20 restroom somewhere, with bulk currency.

21 Q. 6g, as in George?

22 A. A photograph of banded and wrapped currency. On the
23 left, there is a pistol on top of what looks to be a new
24 pistol box. And then there's some sort of plastic wrapper
25 with something inside of it just to the right of the currency,

PRICE - Direct

46

1 right in front of the shoe.

2 Q. And, again, this was from Mr. Hudson's Instagram account?

3 A. It was.

4 Q. 6h.

5 A. It's a photograph of Mr. Hudson and Charles
6 Mitchell, Junior. They're actually both wearing the exact
7 same clothing that they were wearing in the music video,
8 except for that Mr. Hudson's, in this picture, wearing a hat
9 that he's not wearing in the video.

10 Q. But the pants and the shirt are identical?

11 A. Pants and shirt are identical for both of them.

12 Q. 6i?

13 A. Picture of Mr. Hudson. He's holding what looks to be an
14 AK pistol in his right hand. He's got what looks to be
15 currency in his other hand. And subject to our right is
16 holding a tan Glock with an extended magazine, and you can see
17 on the back that it has a switch installed on that pistol.

18 Q. 6j.

19 A. On your left is Mr. Hudson holding -- it's either an
20 AR-style pistol or a P90-style rifle. It's hard to tell.
21 Directly next to him is Charles Mitchell, Junior, who is also
22 holding a firearm. Directly next to him is Brandon Tyler, who
23 is also holding a firearm. You can tell by the way he's
24 holding it pointing down, it's a tan Glock style pistol. On
25 the back, it has the black protruding thing. That's the Glock

PRICE - Direct

47

1 switch that's installed on that.

2 Q. And you also had testified, from the images from the
3 video, Mr. Wright was carrying a switch, a gun with a switch
4 installed in it as well; is that correct?

5 A. He was.

6 Q. And was that a black firearm, as opposed to the tan one
7 in this picture?

8 A. It was.

9 Q. 6k, as in Katherine.

10 A. On the right is Mr. Hudson holding some type of AR pistol
11 or AR rifle that he's got slung, with several other subjects
12 in the picture holding currency; some hiding their faces, some
13 not.

14 Brandon Tyler is in the red cap toward the left of the
15 picture, and then there looks to be a male in a black Chicago
16 White Sox hoodie. He's holding two pistols. He's holding
17 them by their extended magazines. He's got them tilted
18 forward. If you look closely, you can see that they have
19 something protruding from the back where the Glock switch
20 would be installed.

21 Q. 6L.

22 A. This picture looks to be from the same scene, same
23 kitchen. There's just a difference in what firearms are being
24 shown. On this one, you can see Brandon Tyler, toward the
25 left, is holding an AR or AK pistol. Mr. Hudson is still

PRICE - Direct

48

1 holding what appears to be the same firearm, and the subject
2 with the two pistols with the two Glock switches is tilting
3 them even more forward, making it more clear they have Glock
4 switches installed on the back.

5 Q. 6m, as in mother.

6 A. This was a picture of multiple people involved in this
7 group. It's actually one of the things we used to start
8 identifying each person when we mostly just knew social media
9 accounts early in our investigation. On the far right is
10 Mr. Hudson, and then the other associates are in there.

11 The white t-shirt with the blue cap and his head tilted
12 down, bigger than the other guys, is Deangelo Knox, one of the
13 associates. And then I believe on the second from the right,
14 so not the person in the black in the far left or the white
15 with blue cap next to him, but person past that, I believe
16 that's Brandon Tyler, but the picture is a little blurry.

17 Q. 6n, as in Nancy.

18 A. It's another picture that appears to be from the previous
19 kitchen. It's Mr. Hudson holding the AR pistol with the
20 subject that was holding the Glock with the switches on the
21 far left in the Chicago White Sox hoodie. He's holding a
22 Glock by the extended magazine in the right hand. With the
23 darkness of where it is, you can't tell if that one has a
24 switch or not.

25 Q. 6o.

PRICE - Direct

49

1 A. Again, seems to be the same kitchen. Mr. Hudson on the
2 right with the AR pistol. Two individuals with currency.
3 Subject with the Glock pistols pointed down, allowing you to
4 see the switches. Brandon Tyler appears to be holding
5 currency. And then someone to the left of that is holding
6 something. Because it's so dark, you can't tell exactly what
7 it is.

8 Q. Now, we've had -- one of the objections in this case
9 deals with whether or not Mr. Hudson was engaged in
10 trafficking in firearms, Glock switches. Did you search
11 through Mr. Hudson's Facebook social media messages to see if
12 they were items that were consistent with his doing so,
13 consistent with the reports from the confidential witness and
14 from Mr. Sturgeon that he was doing this?

15 A. Yes.

16 Q. Can you identify what's Government Exhibit 7 for us?

17 A. So this is from the Facebook account of Mr. Hudson. It
18 is the Facebook Messenger content or a portion of the Facebook
19 Messenger content of his account.

20 MR. BRACKE: Move admission of Government's
21 Exhibit 7.

22 THE COURT: Any objection to 7?

23 MR. NEFF: No, Your Honor.

24 THE COURT: Mr. Bracke, some of these were part of
25 the sentencing memo that you previously filed?