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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>NOLLE PROSEQUI</u>
-v.-	:	09 Cr. 889 (SAS)
THOMAS LUCKEY,	:	
Defendant.	:	

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1. The filing of this nolle prosequi will dispose of this case with respect to the defendant THOMAS LUCKEY.

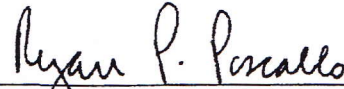
2. On September 15, 2009, Indictment 09 Cr. 889 (SAS) (the "Indictment") was filed, charging THOMAS LUCKEY, the defendant, with, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, unlawfully, willfully, and knowingly possessing a firearm in and affecting commerce, in violation of Title 18, United States Code, Section 922(g)(1), and also with unlawfully, intentionally, and knowingly possessing with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B).

3. On December 10, 2009, the Court issued an Opinion and Order (the "December 10 Order") granting the motion to suppress physical evidence and statements filed by THOMAS LUCKEY, the defendant.

4. Based upon a review of the evidence in the case which is still available to the Government following the issuance

of the December 10 Order, the Government has concluded that it will not now proceed with the prosecution of THOMAS LUCKEY, the defendant.

5. In light of the foregoing, I recommend that an order of nolle prosequi be filed as to THOMAS LUCKEY, the defendant, with respect to Indictment 09 Cr. 889 (SAS).

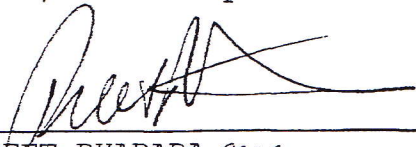


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RYAN P. POSCABLO  
Assistant United States Attorney  
(212) 637-2634

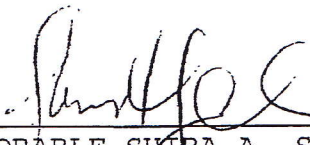
Dated: New York, New York  
January 8, 2010

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to THOMAS LUCKEY, the defendant, with respect to Indictment 09 Cr. 889 (SAS).

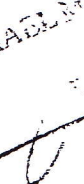
  
\_\_\_\_\_  
PREET BHARARA  
United States Attorney  
Southern District of New York

Dated: New York, New York  
January 8, 2010

SO ORDERED:

  
\_\_\_\_\_  
HONORABLE SHIRA A. SCHEINDLIN  
United States District Judge  
Southern District of New York

Dated: New York, New York  
January 11, 2010

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/11/09 BY J. MICHAEL McMANON, CLERK  
BY  DEPUTY CLERK

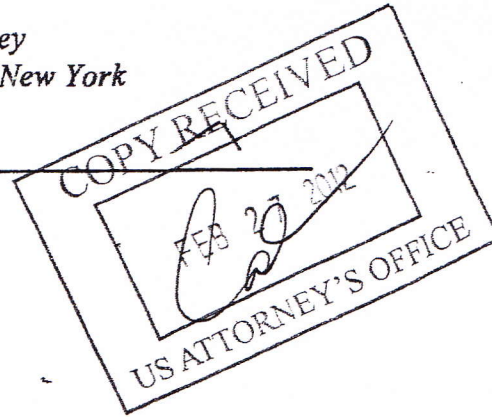


U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

November 6, 2008



**By Hand**

The Honorable Shira A. Scheindlin  
United States District Judge  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 1620  
New York, New York 10007

Re: United States v. Thomas Luckey  
09 Cr. 889 (SAS)

Dear Judge Scheindlin

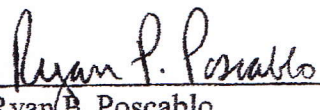
I write respectfully on behalf of the Government in the above-referenced case, which is scheduled for a suppression hearing on Monday, November 9, 2009, at 10:30 a.m. Enclosed please find a copy of the 3500 material for the following witnesses that may be called by the Government: Nicholas Ricigliano (3501); Bart Obuchowski (3502); Carlos Sanchez (3503); Jorge Betancur (3504); Davan Gabbard (3505); and Eric Harrison (3506).

In addition, the Government recognizes its obligations under *Giglio v. United States*, 405 U.S. 150, 154 (1972). In an abundance of caution, the Government encloses two redacted documents: typed written interview notes of Jose Leonor; and handwritten interview notes of Maritza Bonnilla, which include statements that may be inconsistent with expected testimony from the Government's witnesses.

Respectfully submitted,

PREET BHARARA  
United States Attorney

By:

  
Ryan P. Poscablo  
Assistant United States Attorney  
Tel.: (212) 637-2634  
Fax: (212) 637-2527

cc: Sarah Baumgartel, Esq.  
*By Hand*