

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:02-CR-152-1-BO(3)

FILED

NOV 22 2002

DAVID W. DANIEL, CLERK
US DISTRICT COURT, EDNC
BY DEP. CLERK

UNITED STATES OF AMERICA)
)
 v.) MOTION BY THE GOVERNMENT
) PURSUANT TO U.S.S.G. §5K1.1
DANIEL SCOTT REMINGTON) AND 18 U.S.C. § 3553(e)

The United States of America, by and through the undersigned Assistant United States Attorney for the Eastern District of North Carolina, hereby moves this Honorable Court for an order finding the Defendant to have provided substantial assistance to the government in the investigation and prosecution of other persons and in support thereof shows the Court as follows:

1. This Defendant transferred the gun that Emory Bivins used to shoot Cary Police Officer George Almond during a traffic stop. Remington had no knowledge of or involvement in the shooting.

2. When interviewed after the shooting, this Defendant told the police how he obtained the weapon and that he had transferred it to Bivins. This information enabled the police to place the weapon in Bivins's possession at the time of the shooting and aided in the investigation and prosecution of Emory Bivins.

3. This Defendant has been cooperative with the government and the police since his initial interview and has been willing to testify against Emory Bivins if necessary.

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14

WHEREFORE, the United States moves this Court for a reduction of Defendant's sentence pursuant to U.S.S.G. §5K1.1 and 18 U.S.C. § 3553(e), in light of this Defendant's substantial assistance.

Respectfully submitted this 22nd day of November, 2002.

FRANK D. WHITNEY
United States Attorney



BY: THOMAS B. MURPHY
Assistant United States Attorney
Criminal Division

CERTIFICATE OF SERVICE

This is to certify that I have this 22nd day of November, 2002, served a copy of the foregoing Motion by the Government Pursuant to U.S.S.G. §5K1.1 and 18 U.S.C. § 3553(e) upon the Defendant in this action as follows:

MESSENGER DELIVERY

Mr. Edwin C. Walker
Assistant Federal Public Defender
150 Fayetteville Street Mall
Raleigh, NC 27601



THOMAS B. MURPHY
Assistant United States Attorney
Criminal Division