



U.S. Department of Justice

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**HAND DELIVERY**

Hon. Nan R. Nolan  
219 S. Dearborn, Room 1858  
Chicago, IL 60604

Re: *U.S. v. Derrick Smith, 12 CR 175*

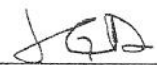
Dear Judge Nolan:

This letter provides the Court with notice of two inaccurate statements in the March 12, 2012 affidavit of Special Agent Bryan Butler in the above-referenced case, which the government discovered on April 6 and April 9, 2012, respectively. On page 3, footnote 1, the affidavit states: "CS-1 has one prior arrest for domestic assault, but no convictions." According to NCIC, CS-1 actually has two prior convictions: (1) a 2004 drug conviction for which CS-1 was sentenced to probation; and (2) a 1978 burglary conviction for which CS-1 was sentenced to probation, as well as approximately 20 prior arrests, including, but not limited to, arrests for burglary, theft, theft by deception, drug offenses, and a weapons charge. On page 3, footnote 1, the affidavit further states: "Over the past 3-4 years, CS-1 has received approximately \$1,200 from the FBI for his/her assistance in other investigations." According to FBI internal records, over the past 3-4 years, CS-1 received approximately \$2,100 from the FBI for his/her assistance in other investigations.

Very truly yours,

PATRICK J. FITZGERALD  
United States Attorney

By: \_\_\_\_\_

  
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cc: Victor P. Henderson, Esq. (Counsel for Derrick Smith)  
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