

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

UNITED STATES OF AMERICA

v.

ANDREW PORTER

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Criminal Number 2007-64-B-W

DEFENDANT'S RESPONSE TO  
PROSECUTION'S VERSION OF THE OFFENSE

NOW COMES the Defendant, by and through undersigned counsel, and respectfully presents the following to this Honorable Court as his Response to the Prosecution's Version of the Offense.

1. Page 1, ¶ 2, lines 2-3: "Porter asked what the price would be if he purchased 10-20 of them." The Defendant's recollection is that he asked about purchasing 10 guns. He has no recollection of then inquiring about a purchase of more than 10 guns.
2. Page 1, ¶ 2, lines 3-4: "Porter grabbed a lump in his front pocket and indicated that he had a wad of cash." The Defendant does not deny this but has no recollection of this detail.
3. Page 2, ¶ 1, line 3: "Porter replied that he had just moved to the area from Florida . . . ." The Defendant has no recollection of making this statement.
4. Page 2, ¶ 2, lines 2-3: "Porter added that he would not be present when CD 1 picked up the guns." The Defendant does not deny that he may have made this statement but has no recollection of this detail.
5. Page 5, ¶ 6, line 1: "CD 2 would testify . . . . [that H]e began buying handguns for Porter in 2005." The Defendant does not deny that he commenced the scheme of purchasing handguns for the purpose for which he has plead as early as Fall, 2005. He denies, however, that CD-2 began buying handguns for him in 2005. The Government has already disclosed that CD-2 has not been truthful in all accounts. The Defendant's recollection is that he did not use CD-2 to purchase firearms for him until Fall, 2006;

6. Page 6, ¶ 7, line 1: "On one occasion Porter asked CD 2 to go with him to purchase firearms at the aforementioned gun shop in Machias, Maine, but CD 2 declined ..." The Defendant does not deny that this could have occurred but has no recollection of this detail.

In all other aspects, after a thorough review of the Prosecution's Version of the Offense by the Defendant, he concurs and agrees therewith as true and accurate.

DATED: January 10, 2008

/s/ Jeffrey M. Silverstein

Jeffrey Silverstein, Esq.  
Counsel for Andrew Porter