

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA	:	
	:	
v.	:	CASE NO. 2:09 CR 049
	:	
FODE AMADOU FOFANA,	:	JUDGE MARBLEY
also known as Ousmane Diallo, Issouf	:	
Alkaly Conde and Abdoulaye Bangoura	:	

NOTICE OF APPEAL

Notice is hereby given that the United States of America appeals to the United States Court of Appeals for the Sixth Circuit from this Court's Opinion & Order of June 2, 2009 (doc. #33), that granted defendant's Motion to Suppress Physical Evidence (doc. #15).

Pursuant to 18 U.S.C. § 3731 the United States Attorney, by and through his undersigned assistant, hereby certifies that the appeal is not taken for purposes of delay and that the evidence suppressed constitutes substantial proofs of facts material in the proceeding.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appeal was served this 4th day of June, 2009, electronically on: Brian C. DiFranco, Esq.

s/Daniel A. Brown

DANIEL A. BROWN (0023147)

Assistant United States Attorney