IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

UNITED STATES OF AMERICA	:
v.	: Criminal No. 4:10CR00015-001
BOBBY JAY ELKIN, JR.	:
Defendant	:

MOTION FOR SUBSTANTIAL ASSISTANCE CONSIDERATION

For the reasons more fully described in the government's Sentencing Memorandum filed in this matter, and pursuant to Section 5K1.1, United States Sentencing Commission, <u>Guidelines Manual</u>, the United States moves that Defendant Bobby Jay Elkin, Jr. be accorded the benefit of a sentencing departure from the Guidelines level otherwise found to apply, based upon the fact that he has provided substantial assistance to authorities in the investigation and prosecution of another person or persons who have committed offenses.

Respectfully submitted,

TIMOTHY J. HEAPHY United States Attorney

By: <u>s/John A. Michelich</u> John A. Michelich Senior Trial Attorney United States Department of Justice Criminal Division, Fraud Section 10th & Constitution Ave., N.W. Bond Building, Fourth Floor Washington, D.C. 20530 (202) 514-0931 John.michelich@usdoj.gov Illinois Bar No. 1903829

CERTIFICATE OF SERVICE

I hereby certify that I have this 13th day of October, 2010, electronically filed the Motion for Substantial Assistance Consideration with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

> <u>s/ John A. Michelich</u> Senior Trial Attorney United States Department of Justice Criminal Division, Fraud Section 10th & Constitution Ave., N.W. Bond Building, Fourth Floor Washington, D.C. 20530 (202) 514-0931 John.michelich@usdoj.gov Illinois Bar No. 1903829