

UNITED STATES DISTRICT COURT  
District of Maine

UNITED STATES OF AMERICA,     )  
  )  
                          Plaintiff,    )  
  )  
vs.                                    )           Civil No. 02-60-B-S  
  )  
WILLARD HARTSOCK,                )  
  )  
                          Defendant.    )

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on January 30, 2003 her Recommended Decision. The Government filed its objections to the Recommended Decision on March 4, 2003 and Defendant filed his response to those objections on March 18, 2003. I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record<sup>1</sup>; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

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<sup>1</sup> I decline to consider the affidavit filed by the Government in its objection to the Recommended Decision.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
  
2. The conviction offered by the United States in support of its § 921(a)(33)(b)(i) obligation is deemed inadmissible because the United States has failed as a matter of law to generate sufficient evidence that the defendant intelligently and knowingly waived his right to counsel.

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GEORGE Z. SINGAL  
Chief U.S. District Judge

Dated this 19<sup>th</sup> day of March, 2003.

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representing **USA**  
*(Plaintiff)*

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*(Defendant)*