

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. 08-000297-10-W-FJG
v.	)	
	)	
CHERYL ANN ROMERO, et al.,	)	
	)	
Defendants.	)	

**MOTION FOR EXCEPTION TO DEFENDANT ROMERO’S  
PRETRIAL TRAVEL RESTRICTIONS  
(No Oral Argument Requested)**

NOW COMES the Defendant Cheryl Ann Romero, by and through her counsel of record, James D. Henderson and Gary W. Hart, and moves the court for an order granting her an exception to her pretrial travel restrictions and for the temporary return of her passport for the requested travel. This motion is based on the following:

1. The Defendant Cheryl Ann Romero was arraigned on or about November 13, 2008. Defendant is charged in a mortgage fraud prosecution relating to the purchase of two residences in the Western District of Missouri and trial is presently scheduled for August 4, 2009.
2. The defendant is currently free on a personal recognizance bond. She has been free on bond since the date of her original appearance for arraignment pursuant to a summons on November 13, 2008. Her bond presently restricts her travel to the Greater Kansas City, Missouri area, and the Central District of California.
3. On June 26, 2008, prior to her indictment in the instant case, the defendant had prepaid almost \$10,000 in non-refundable expenses relating to and including a “Mediterranean Venice Cruise” (plus airfare) on Royal Caribbean Cruise Lines from May 19, 2009, through June 3, 2009. Undersigned counsel have reviewed the supporting travel documentation and such

is available should the court desire to review it. Accompanying the defendant on this cruise should the court permit it, would be the Defendant Cheryl Romero's husband David, her mother Teresa Marian who is 74 years of age, her aunt Lucile Basye who is 71 years of age, her mother-in-law Caroline Romero who is 81 years of age, and her father-in-law Michael Romero who is 84 years of age. Should the defendant not be allowed this travel such would necessitate cancellation of the trip by the entire family (each member of which has also purchased non-refundable cruise tickets) in view of the ages of the defendant's relatives and the attendant difficulties of the scheduled travel which they could not comfortably endure without assistance.

4. The Defendant Cheryl Romero is not considered a flight risk or a risk of additional criminal behavior. She has no prior criminal record, is employed full time at Preferred Bank in Pico Rivera, California, as First Vice President (Branch Manager), and has been employed full time in the banking industry for 30 years.

5. At the time of her arraignment on November 13, 2008, this scheduled trip was brought to the attention of U.S. Magistrate Judge Sarah W. Hays. This was done in order to facilitate seeking court permission for the prepaid vacation of the defendant and her family, most of which are elderly and cannot travel without assistance, and because it is necessary for the defendant to retrieve her passport from Pretrial Services for purposes of the travel. It was then suggested that the request for travel be raised at a date closer to May of 2009. It is now clear that the scheduled travel dates will not interfere with trial scheduling.

6. On March 25, 2009, undersigned counsel spoke with Assistant United States Attorney Linda Marshall, the Government prosecutor in this matter, who advised that she does not object to this motion for travel. On March 25, 2009, undersigned counsel also spoke to Pretrial Services Officer Dana Chance (816/512-1475), who also advised that her office has no objection to the requested travel.

7. Based on all of the above, it is respectfully requested that the Court enter an order allowing the defendant to travel on her scheduled Mediterranean cruise from May 19, 2009, through June 3, 2009, and that her passport be temporarily returned to her, through her local

counsel Gary W. Hart, for the purpose of this travel. A Proposed Order is being submitted to the Court separately. No oral argument is requested on this motion unless such is desired by the Court.

Respectfully submitted,

/s/ James D. Henderson by Gary W. Hart  
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ATTORNEYS FOR DEFENDANT  
CHERYL ANN ROMERO

### **CERTIFICATE OF SERVICE**

In accordance with Rule 49(a), (b), and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ. P., it is hereby CERTIFIED that one copy of the foregoing motion was electronically sent to AUSA Linda Marshall and to all defense counsel of record, this 14th day of April, 2009.

/s/ James D. Henderson by Gary W. Hart  
Attorney