

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

UNITED STATES OF AMERICA

v.

Case No. 11-00046-02/04/05-CR-W-ODS

JOHNNY ERWIN SMITH (2)
LINDSEY NICOLE HILLYARD (4)
JEFFERY MARSHALL JONES (5)

AUSA: Bruce Rhoades
Defense Atty.: Dana M. Alteri (2)
John Osgood (4)
Lisa Nouri (5)

JUDGE	Robert E. Larsen United States Magistrate Judge	DATE AND TIME	March 14, 2011 10:40 - 11:00 AM
DEPUTY CLERK	Lori Carr	TAPE/REPORTER	FTR/lac
INTERPRETER	None	PRETRIAL/PROB:	Susan Pinkerton

CLERK'S MINUTES

DETENTION/ARRAIGNMENT

DETENTION HEARING: Parties appear in person and with counsel ready to proceed on government's motion for pretrial detention.

- (x) Parties stipulate to factual contents of Pretrial Services Report as being the direct testimony of Pretrial Services Officer Susan Pinkerton.
(x) Neither party presents evidence.
(x) Defendant Hillyard makes a proffer.

Based upon the information presented, the Court grants government's motion to detain and finds the following:

- (x) The Court made a finding that defendant Hillyard should be released from detention.
Government's motion for pretrial detention is denied.
(x) Defendant Hillyard released on a \$10,000 unsecured surety bond, to be signed by defendant and Robbie Hillyard, defendant's father.
(x) Defendant Smith and Jones appear on writs and are not eligible for bond at this time.

ARRAIGNMENT

- (x) Defendant Smith charged in Counts 1, 2, and 5 of a 5 count indictment
- (x) Defendant Hillyard charged in Counts 1 and 5 of a 5 count indictment
- (x) Defendant Jones charged in of a Counts 1and 5 count 5 indictment
- (x) Defendants waived reading of the indictment.
- (x) Defendants entered a plea of not guilty to each count of the indictment applicable to him/her.

ORDERS

- (x) Defendants Smith and Jones ordered committed back to custody of U.S. Marshal
- (x) Defendant Hillyard ordered released on a continuing bail bond.
- (x) Case ordered set for trial on the joint criminal jury trial docket which commences April 25, 2011.
- (x) Defense shall file any pretrial motions within ten days from this date; government responses due seven days after motion filed. In lieu of a scheduling conference, counsel are to meet within two weeks and submit Proposed Stipulations and Orders to chambers for filing. If parties will not be ready for trial by the scheduled docket, a motion for continuance for a date certain should be filed as soon as possible.
- (x) The Government is reminded that ECF calculates deadlines under civil rules and those deadlines do not apply to this case. Failure to file a response within 7 days of the filing of the motion, regardless of when ECF says a response is due, may result in the motion being granted as unopposed.