

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION
DIVISION O.D.S.**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Criminal Case Number
)	11-00046-03-CR-W-O.D.S.
)	
AMANDA LYNN SCATES,)	
)	
Defendant.)	

**MOTION TO AMEND PRIMARY, PRETRIAL CONDITION OF RELEASE;
AND REASONS IN SUPPORT THEREOF.**

MOTION

COMES NOW the Defendant, **AMANDA LYNN SCATES**, by her Appointed Counsel, Ronald L. Hall, in accordance with Rules 47(a) and (b), Fed. R. Crim. P., and Rules 7.1(b) & (c), L.R., and moves this Court, pursuant to 18 U.S.C.A. §§ 3142(c)(3), and (c)(2) (West, WESTLAW through 4-25-11, P.L. 112-12), to amend her primary, pretrial condition of release, imposed on March 8, 2011, by the Honorable Robert E. Larsen, Chief Magistrate Judge, with which, to date, she cannot comply.

Specifically, Defendant Scates requests that, in accordance with 18 U.S.C.A., §§ 3142 (a)(1), and (b) (West, WESTLAW through 4-25-11, P.L. 112-12), an Unsecured Appearance Bond, in the amount of \$10,000, signed by her, and her Mother, Mrs. Debbie Wilson, be imposed by the Court, as the Primary, Pretrial Condition Of Release, instead

of the Appearance Bond, secured by the deposit, with the Clerk of the Court, of \$10,000 Cash, previously imposed.

REASONS

The Defendant states the following facts, and reasons, in support of her Motion:

Facts

(1) (a) On March 1, 2011, a Grand Jury returned a sealed, four (4) count Indictment, in which it charged the Defendant, and eight (8) Co-Defendants, in Count One, with committing a violation of 21 U.S.C.A. § 846 (West, WESTLAW through 4-25-11, P.L. 112-12): Conspiring, between January 1, 2010 and March 1, 2011, to distribute five hundred (500), or more, grams of methamphetamine, in violation of 21 U.S.C.A. §§ 841 (a)(1), and 841 (b)(1)(A) (West, WESTLAW through 4-25-11, P.L. 112-12).

(b) The Clerk of the District Court assigned the Case to Division O.D.S. of the Western Division of the Court, the Honorable Ortrie D. Smith, presiding.

(c) And, a Magistrate Judge issued an arrest warrant for the Defendant.

(2) On March 3, 2011, the U.S. Marshal, Western District of Missouri, executed that arrest warrant. On that same date, the Defendant appeared before Chief Magistrate Judge Larsen for an Initial Appearance. At that Proceeding, the Plaintiff

orally moved for Pretrial Detention, and a Hearing; and for a Continuance of that Detention Hearing.¹

Judge Larsen granted part of the Plaintiff's request in the former oral Motion; and granted all of its requested relief in the latter oral Motion. Consequently, he directed the U.S. Marshal to maintain custody of the Defendant, pending the outcome of the Detention Hearing. In addition, he, among other things, appointed the Undersigned to represent the Defendant.

(3) Shortly before her arrest by the Marshal, she was charged, in the Circuit Court, Buchanan County, Mo., St. Joseph, with Possession Of Controlled Substances, a Class C, Missouri felony. That Court issued an arrest warrant for the Defendant; and imposed a \$10,000 Bond, Cash, or Surety, as its primary, pretrial condition of release. To date, the Circuit Court's warrant has not been executed.

(4) On March 8, 2011, the Defendant appeared before the Chief Magistrate for a Detention Hearing, and an Arraignment. At Arraignment, she entered a not guilty plea to Count One of the Indictment. At the Detention Hearing, the Plaintiff withdrew its oral Motion for Pretrial Detention. Consequently, Judge Larsen imposed a Secured Appearance Bond, in the amount of \$10,000 Cash, as the primary, pretrial condition of release. And, he directed the Marshal to maintain custody of the Defendant, pending her compliance with that condition.

(5) To date, the Defendant has remained in the custody of the Marshal, unable to comply with this primary, pretrial condition of release.

Reasons

¹ On March 9, 2011, the Plaintiff filed written Motions, in which it requested the same relief.

(1) Mrs. Debbie Wilson, the Defendant's Mother, has advised the Undersigned that she will co-sign an Unsecured Appearance Bond, in an amount of \$10,000, for her daughter, if the Court imposes one, as the primary, pretrial conditions of release. Upon the Defendant's release from the custody of the Marshal, she will permit the Defendant to reside with her, her husband, and her grandson, who is the Defendant's son, at her home in St. Joseph, Mo. She will also, in accordance with 18 U.S.C.A. § 3142 (c) (B)(i) (West, WESTLAW through 4-25-11, P.L. 112-12), accept custody of the Defendant, supervise her conduct, and report, to the Court, all violations of any pretrial conditions of release imposed.

(2) Mrs. Wilson has further informed the Undersigned that, upon her daughter's release from federal custody, she has made financial arrangements with Mary Beth Schenecker Bail Bonds, Inc., St. Joseph, Mo., to post the \$10,000, Cash, or Surety, Bond, with the Clerk, Circuit Court, Buchanan County, Mo., in order to secure the Defendant's pre-trial release on the Missouri felony charge, pending in that Court.

(3) Bruce C. Rhoades, Counsel for Plaintiff, has advised the Undersigned that he has no Objections to the Defendant's request to amend her primary, pretrial condition of release.

WHEREFORE, the Defendant respectfully requests this Court, pursuant to 18 U.S.C.A. §§ 3142 (c) (3), and (c) (2), to change her Primary, Pretrial Condition of Release, from a \$10,000 Cash, Secured Appearance Bond, to a \$10,000, Unsecured Appearance Bond, with which she can comply; and to impose all other suitable pretrial conditions of release, with which she promises to comply.

Respectfully submitted,

/s/ Ronald L. Hall

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CERTIFICATES OF FILING AND SERVICE

In accordance with Rules 49(d), (a) and (b), and 57, Fed. R. Crim. P.; Rules 5(e), (a), (b) (1) (2) (D), (b) (3), and (d), and 83, Fed. R. Civ. P.; Rules 7.1 (b) and (c), L.R.; and the W.D.-Mo.: C.M./E.C.F. Civ. And Crim. Adm. Procedures Man. (Revised 5/6/05), it is hereby certified that the original of the foregoing Motion To Amend Primary, Pretrial Condition Of Release; And Reasons In Support Thereof, was filed, by using the C.M./E.C.F. System, with the Clerk, U.S. District Court, Western District of Missouri; and E-Mail Notifications of this filing were sent, by the C.M./E.C.F. System, to Counsel for Plaintiff, and Counsel for Co-Defendants, all Registered Participants in the C.M./E.C.F. System, on the 2nd day of June, 2011.

/s/ Ronald L. Hall

RONALD L. HALL

Counsel For Defendant