

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

In re: Criminal Trial Docket  
January 9, 2012

**ORDER SETTING PRETRIAL CONFERENCES**

***I. Schedule of Pretrial Conferences***

Pursuant to the direction of the court en banc, the following criminal cases are set for pretrial conferences before United States Magistrate Judge Robert E. Larsen on Wednesday, December 28, 2011, commencing at the times shown below or as soon thereafter as they may be reached. No defendant or counsel will be excused because of failure to reach a criminal case at the time fixed unless excused by me.

Counsel and the defendant are to appear in court at least ten minutes before their case is scheduled to be heard. The attorneys, including defense and government counsel, who will try the case shall attend the pretrial conference. Each defendant is to be present.

All pretrial conferences will be held in Courtroom 6D, United States Courthouse, 400 East Ninth Street, Kansas City, Missouri 64106.

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
11-00262-01-CR-W-HFS 9:15 a.m.	United States of America v. Angie M. Rapper	Bill Meiners  Larry Pace
11-00276-01-CR-W-GAF 9:30 a.m. <b>CUSTODY</b>	United States of America v. Simon L. Wertenberger	Mike Green  Bob Kuchar
11-00171-01-CR-W-FJG 9:45 a.m.	United States of America v. Michael D. Holiway	Mike Green  Laine Cardarella

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
11-00107-01-CR-W-DW 10:00 a.m. CUSTODY	United States of America v. Thomas A. Gregory	Mike Green Ron Hall
11-00232-01/02-CR-W-GAF 10:15 a.m.	United States of America v. Scott Lofquist Rodney Baltazar	Jane Brown Bill Raymond Ron Hall
11-00046-01/09-CR-W-ODS 10:30 a.m. CUSTODY CUSTODY  CUSTODY CUSTODY CUSTODY CUSTODY CUSTODY	United States of America v. James Allen Jacobs, Jr. Johnny Erwin Smith Amanda Lynn Scates Lindsey Nicole Hillyard Jeffery Marshall Jones Terry Wayne Thomas William Chester Garrett Tim Michael Wilson Richard Mark Gangel	Bruce Rhoades  Kenton Hall Dana Altieri Ron Hall John Osgood Lisa Nouri David Guastello Richard Carney P.J. O'Connor John Gromowsky
08-00178-01-CR-W-ODS 11:00 a.m. CUSTODY	United States of America v. Avery Snelling	Paul Becker John Gromowsky
10-00328-01-CR-W-DW 11:15 a.m.	United States of America v. Michael Larson	Teresa Moore John Osgood
11-00277-01-CR-W-DW 1:30 p.m. CUSTODY	United States of America v. Jose Francisco Cavazos	Jalilah Otto Larry Pace
11-00257-01-CR-W-DGK 1:45 p.m. CUSTODY	United States of America v. Bernard Manuel	Paul Becker Travis Poindexter
11-00148-01-CR-W-DW 2:00 p.m.	United States of America v. Tamiko Grandison	Chuck Ambrose Wainsworth Anderson

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
11-00138-01-CR-W-DW 2:15 p.m. <b>CUSTODY</b>	United States of America v. Luis Enrique Gallegos <i>Spanish-speaking interpreter required</i>	Chuck Ambrose David Bell
11-00063-01-CR-W-ODS 2:30 p.m.	United States of America v. Carlos Cruz <i>Spanish-speaking interpreter required</i>	Roseann Ketchmark Jim Speck
11-00031-01-CR-W-HFS 2:45 p.m.	United States of America v. Vera Irene Smith	Roseann Ketchmark Ronna Holloman-Hughes
10-00351-01/03-CR-W-GAF 3:00 p.m.	United States of America v. Darrin L. Potter Michael H. Carter  Anthony J. Riley	Roseann Ketchmark Bill Shull Kathleen Fisher Nathan Garrett Weldon Perry
10-00135-01-CR-W-HFS 3:15 p.m. <b>CUSTODY</b>	United States of America v. Travis D. Oberg	Roseann Ketchmark Bill Raymond
10-00224-01-CR-W-DW 3:30 p.m. <b>CUSTODY</b>	United States of America v. Charles M. Chivers	Bruce Clark Steve Willibey
10-00027-01-CR-W-ODS 3:45 p.m. <b>CUSTODY</b>	United States of America v. Michael K. Scott	Joe Vanover Bruce Clark John Picerno

## ***II. Pretrial Conference***

Counsel are instructed to be prepared to discuss the following issues at the pretrial conference:

1. Facts or circumstances requiring a larger jury panel (more than 43),
2. Pending motions,
3. Estimated trial time,
4. Discovery problems,
5. Possible stipulations (counsel should have proposed stipulations available for review and signature by the parties at the conference);
6. Exhibits to be offered at trial (exhibit lists should be brought to the pretrial conference),<sup>1</sup>
7. Witnesses to be called at trial (witness lists, with the witnesses listed in alphabetical order by last name and then by first name, should be brought to the pretrial conference), and
8. Change of plea or dismissal of charge.

Each of these criminal cases, unless given a special setting, is set for trial on a criminal trial docket with all available district judges sitting beginning January 9, 2012.

***III. Witness Lists, Exhibit Lists, Proposed Voir Dire and Jury Instructions***

It is

ORDERED that by the day of the pretrial conference, the parties shall file with the Clerk of Court witness lists, with the witnesses listed in alphabetical order by last name and then by first name, and exhibit lists. In addition, a copy of each must be brought to the pretrial conference. It is further

ORDERED that by Wednesday, January 4, 2012, counsel shall file with the Clerk of the Court:

1. Memoranda or briefs on anticipated evidentiary questions,

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<sup>1</sup>PLEASE NOTE THE REQUIREMENT THAT ALL EXHIBITS MUST BE NUMBERED WITH ARABIC NUMBERS AND NO SUB-PARTS, THAT IS, EXHIBITS MUST BE NUMBERED 1, 2, 3, 4, ETC. NO EXHIBITS NUMBERED 1A, 1B, 2A, 2B, ETC., WILL BE PERMITTED.

2. Memoranda or briefs on legal questions on which the parties request pretrial rulings,
3. Proposed voir dire questions, and
4. Two copies of jury instructions (one copy reflecting the source of the instruction and a second clean copy).

PLEASE NOTE: Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by January 6, 2012. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

It is further

ORDERED that all trial exhibits shall be premarked and listed on the Clerk of the Court Exhibit List form.

#### *IV. Continuances and Pleas*

Regarding motions for continuances and possible changes of plea, it is

ORDERED that a defendant who intends to file a motion to continue the trial of his or her case until the next docket, which is February 13, 2012, shall file such motion on or before December 21, 2011. **Any motion filed must include a statement indicating the position of every other party in the case, i.e., whether that party objects to a continuance, does not object to a continuance, or joins in the motion for the continuance.**<sup>2</sup> In addition, every motion must

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<sup>2</sup>A statement in the motion indicating that co-counsel have been contacted is not sufficient. If co-counsel has not responded, the movant shall include a statement in the motion of the specific attempts made to contact that attorney. Failure to comply with this requirement will result in the motion being returned to the movant's attorney with a request to file an amended motion with the requested information.

include specific reasons why a continuance is necessary. The motion shall state specifically what discovery and investigation has been completed, specifically what discovery and investigation remains to be completed, and a specific explanation as to why the continuance is being sought.

It is further

ORDERED that counsel for a defendant who intends to change his or her plea from “not guilty” to “guilty” or “nolo contendere” shall immediately call the Courtroom Deputy of the assigned District Judge at the telephone number listed below so that a change of plea hearing can be set before the District Judge. Counsel shall then immediately notify my courtroom deputy at 816-512-5774 of the date for the scheduled change of plea. The defendant will not be removed from the pretrial conference docket unless my office is notified by counsel of the change of plea hearing.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
December 12, 2011

Courtroom Deputy Information:

<u>Division</u>	<u>District Judge</u>	<u>Courtroom Deputy</u>	<u>Phone #</u>
FJG	Fernando Gaitan, Jr.	Rhonda Enss	816-512-5644
ODS	Ortrie Smith	Eva Will-Fees	816-512-5659
GAF	Gary Fenner	Tracy Diefenbach	816-512-5674
NKL	Nanette Laughrey	Renea Kanies	816-512-5689
DGK	D. Gregory Kays	Alex Francis	816-512-5629
DW	Dean Whipple	Tracy Diefenbach	816-512-5674
HFS	Howard Sachs	Tina Duer	816-512-5614
SOW	Scott Wright	Kelly McIlvain	816-512-5744