

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09-00296-02-CR-W-FJG
)	
ERIC BURKITT,)	
)	
Defendant.)	

**GOVERNMENT’S RESPONSE TO DEFENDANT
BURKITT’S MOTION FOR RECONSIDERATION**

COMES NOW, the United States, by and through its undersigned attorneys, and responds to Defendant Burkitt’s Motion For Reconsideration of Detention Order, which was issued on October 9, 2009. Count One of the government’s indictment returned on September 23, 2009 charges defendants Angell, Burkitt, Stewart, Cox, Larson, and Donkersloot, who are all members of the Galloping Goose and El Forstero motorcycle clubs, with a narcotics distribution conspiracy from January 1, 2002 to July 31, 2007, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846. Count Two charges defendant Angell with threatening a witness in connection with the same narcotics conspiracy investigation. Because defendant Burkitt is a flight risk and a danger to the community, the government respectfully requests that this court deny the defendant’s second motion to reconsider for the same reasons as laid out in the Court’s October 9th Detention Order,

in the Government's October 22nd response to Defendant's original Motion to Reconsider Detention, and in the Court's October 30th denial of Defendant's Motion to Reconsider Detention.

The defendant is charged with a serious narcotics offense and faces significant penalties. In addition to the presumption of detention triggered by the federal narcotics offense, defendant Burkitt was also indicted in March 2009 in Jackson County for forcible rape and sodomy and those charges remain pending. He faces significant penalties on that case as well. In addition, the defendant is or was a member of a motorcycle club with an inherent culture of drugs, violence, and witness intimidation, and he has a pending state case charging him with violent behavior alleged to have occurred after he was aware of the investigation that lead to the federal charge. For these reasons, defendant Burkitt is a flight risk and a danger to the community, and the government respectfully requests this Court to deny the defendant's Motion for Reconsideration.

Respectfully submitted,

Matt J. Whitworth
United States Attorney

By */s/Daniel M. Nelson*

Daniel M. Nelson, #53885
Assistant United States Attorney
Charles Evans Whittaker Courthouse
400 East 9th Street, Suite 5510
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on November 16, 2009, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

F.A. White, Esq.
Three Oaks Building
5440 North Oak Traffickway
Kansas City, MO 64118

/s/Daniel M. Nelson
Daniel M. Nelson
Assistant United States Attorney