

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

UNITED STATES OF AMERICA

v.

Case No. 09-00296-02/03-CR-W-FJG

ERIC G. BURKITT
ROBERT E. STEWART

AUSA: Matthew Wolesky
Defense Atty.: F.A. White for deft. Burkitt
John Osgood for deft. Stewart

JUDGE	Robert E. Larsen United States Magistrate Judge	DATE AND TIME	September 30, 2009 10:05-10:20 a.m.
DEPUTY CLERK	Dorothy Myers	TAPE/REPORTER	FTR, dm
INTERPRETER		PRETRIAL/PROB:	Penney Hodges

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.
- (X) With exception(s) Defendant Stewart does not recall having an alias of Robert Schneider.
- () Government presents evidence and calls witness(es) _____
- () Defendant presents evidence and calls witness(es) _____
- () Neither party presents evidence.
- (x) Arguments presented.
- (x) Defendants makes a proffer.
- (x) Court takes judicial notice of the statutory presumption against release.
- () Other: _____
- () _____
- () The Government orally moves to withdraw detention motion - GRANTED by the Court.

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

- (x) The Court found reason to believe that no condition or combination of conditions of release would reasonably assure:

- The appearance of the defendants
 - The safety of any other person or persons and the community.
Defendant ordered DETAINED without bail.
 - Written Detention Order to be forthcoming.
 - Defendants remanded to the custody of the U.S. Marshal.
- The Court made a finding that the defendant should be released from detention.
Government's motion for pretrial detention is denied.
- Defendant released on a personal recognizance bond.
 - Defendant released on a \$_____ unsecured surety bond.
 - Defendant released on a \$_____ cash or security bond.
 - Defendant remanded to the custody of the U.S. Marshal until conditions are met
 - Defendant appears on a writ and is not eligible for bond at this time.

ARRAIGNMENT

- Defendants charged in 1 of a 2 count indictment
- Defendant waived reading of the indictment.
- The count(s) of the indictment applicable to the defendants was read to the defendant.
- Defendant was informed of the maximum punishment for each applicable count of the indictment.
- Defendants entered a plea of not guilty to each count of the indictment applicable to him.

ORDERS

- Defendants ordered committed back to custody of U.S. Marshal
- Defendant ordered released on a continuing bail bond.
- Case ordered set for trial on the joint criminal jury trial docket which commences November 2, 2009.
- Scheduling Conference set for .
- Discovery Order handed to all counsel.
- 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.
- All stipulations, motions, responses, Reports and Recommendations and orders apply to the superseding indictment.
- 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.