

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

UNITED STATES OF AMERICA

v.

Case No. 09-157-CR-W-SOW

GARLAND HANKINS (01)
GINA VIGLIATURO (05)

AUSA: Bruce Rhoades
Defense Atty.: Ron Partee (01)
Lisa Nouri (05)

JUDGE	Sarah W. Hays United States Magistrate Judge	DATE AND TIME	May 26, 2009 10:30-11:31 AM Recess-11:14-11:28
DEPUTY CLERK	Melanie Beard	TAPE/REPORTER	FTR- M. Beard
INTERPRETER	None	PRETRIAL/PROB:	Penney Hodges & Van Hecke

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 Officers.
- () With exception(s) _____
_____.
- (x) Government presents evidence and calls witness(es) Government's Ex.1 was admitted (report of Agent Bill Smith) and was proffered. Both defense counsel stipulate to Government's Ex. 1. Cross examination by Defense counsel Partee and Nouri conducted. Government conducts direct examination of Agent Smith. Defense counsel Partee has re-cross examination of Agent Smith. No further evidence is presented.
- () Defendant presents evidence and calls witness(es) _____
_____.
- () Neither party presents evidence.
- (x) Arguments presented by Government, defense counsel Partee and Nouri.

- Defendant makes a proffer.
- 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:

- The Court found reason to believe that no condition or combination of conditions of release would reasonably assure:
 - The appearance of the defendant
 - The safety of any other person or persons and the community.
Defendant ordered DETAINED without bail.
 - Written Detention Order to be forthcoming.
 - Defendant remanded to the custody of the U.S. Marshal.
- The Court made a finding that the defendant Garland Hankins and Gina Vigliaturo should be released from detention. Government's motion for pretrial detention is denied.
 - Defendant is released on a personal recognizance bond.
 - Defendant Garland Hankins is released on a \$25,000 unsecured surety bond with co-signors, Garlena and Lloyd Hankins.
 - Defendant Gina Vigliaturo is released on a \$25,000 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.
 - The Court made a finding that the defendant should be released from detention.
Government's motion for pretrial detention is denied.

ARRAIGNMENT

- Defendant Garland Hankins is charged in Counts 1 and 2 of a 3 count indictment.
- Defendant Gina Vigliaturo is charged in Counts 1 and 2 of 3 a count indictment.
- Both defendants waived reading of the indictment.
- The count(s) of the indictment applicable to the defendant(s) was read to the defendants.
- Defendants were informed of the maximum punishment for each applicable count of the indictment.

- (x) Defendant Garland Hankins entered a plea of not guilty to each count of the indictment applicable to him.
- (x) Defendant Gina Vigalitulo entered a plea of not guilty to each count of the indictment applicable to her.

ORDERS

- () Defendant ordered committed back to custody of U.S. Marshal.
- (x) Defendants Hankins and Vigliaturo are returned to the custody of the U.S. Marshal until conditions of bond are met.
- (x) Case ordered set for trial on the joint criminal jury trial docket which commences July 10, 2009 .
- (x) **Scheduling Conference set for: Wednesday, June 10, 2009 at 10:00 am, in Courtroom 6E, before Judge Sarah W. Hays.**
- (x) 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.