

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

UNITED STATES OF AMERICA     )  
                                          )  
                                  Plaintiff,     )  
                                          )  
                          v.                     ) No. 05-CR-00344-01-W-ODS  
GARY EYE,                                 )  
                                          )  
                                  Defendant.     )

**SUPPLEMEENTAL PLEADING AND ATTACHMENT TO EYE’S  
MOTION TO DISMISS THE INDICTMENT BECAUSE OF  
VIOLATION OF THE ATTORNEY CLIENT RELATIONSHIP  
BETWEEN DEFENDANT EYE AND HIS ATTORNEYS**

---

Shortly after defendant filed his motion to dismiss (doc# 246) he received further explanation from the United States Marshal as to the July 2007 incident referred to in the basic motion.

The Memorandum from Marshal Sheer indicates that there is apparently some factual confusion surrounding what happened at CCA which will need further exploration and clarification at a hearing. Marshal Sheer’s memorandum is attached as Attachment A.

Respectfully submitted,

/s/

John R. Osgood  
Attorney at Law, #23896  
Commercial Fed Bnk- Suite 305  
740 NW Blue Parkway  
Lee's Summit, MO 64086  
Office Phone: (816) 525-8200  
Fax: 525-7580

/s/

Lance D. Sandage, Mo Bar #46022  
The Sandage Law Firm, P.C.  
4700 Belleview, Ste 404  
Kansas City, MO 64112

ATTORNEYS FOR GARY EYE

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been caused to be served on the Assistant United States Attorney for Western District of Missouri through use of the Electronic Court Document Filing System on Wednesday, October 24, 2007.

/s/

JOHN R. OSGOOD

**U.S. Department of Justice**United States Marshals Service  
Western District of Missouri400 East Ninth Street, Suite 3740  
Kansas City, Missouri 64106

October 24, 2007

MEMORANDUM TO: John R. Osgood, Attorney at Law

FROM: C. Mauri Sheer, U.S. Marshal  
Western District of Missouri

A handwritten signature in black ink that reads "C. Mauri Sheer". The signature is written in a cursive style.

SUBJECT: Prisoner Gary Eye Telephone Recordings

Based on our telephone conversation on 10/22/07, and the subsequent faxed documents from your office, I have undertaken an investigation into this matter. My staff has advised me that their investigation revealed that no telephone conversations regarding you, or your client (Gary Eye), were ever sought or received by the U.S. Marshals Service (USMS), Western District of Missouri. Additionally, we have queried the Kansas Division of the U.S. Marshals Service, who also advised they did not seek or obtain these recordings. It is our opinion that CCA, Leavenworth has possibly erred in identifying our agency as requesting and/or receiving these documents. As Mr. Eye is a W/MO criminal case, it is illogical that any other outside USMS offices would have sought these documents. Since CCA evidently cannot specifically state who purportedly requested or received these recordings, their contention that copies were delivered to the USMS cannot be reasonably supported.

As a possible alternative to explain CCA's report to your office, W/MO USMS investigators did procure telephone records through CCA via a subpoena on 07/02/07. However, these records are on a matter unrelated to you or your client, and consequently, the received telephone conversations do not contain any content relating to this matter. Otherwise, my office cannot explain CCA's erroneous reporting that telephone conversations were received by the U.S. Marshals Service regarding Prisoner Gary Eye and yourself. I hope that this answers your questions and please contact me if further is required.