

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.)

DEFENDANT EYE'S RENEWED MOTION FOR SEVERANCE WITH
SUGGESTIONS IN SUPPORT

COMES NOW defendant Eye through counsel and moves the Court to grant him a separate trial from that of his co-defendant on grounds that a joint trial will prevent him from receiving a fair trial free from error in violation of his rights guaranteed him by the 5th, 6th, and 8th Amendments of the Constitution, applicable provisions of Title 18, United States Code, the applicable Federal Rules of Criminal Procedure, and interpretive case law as announced by the United States Supreme Court and various lower federal courts, cited and relied on in his prior motions for severance.

Defendant Sandstrom now seeks reconsideration of his motion to sever by way of document number 393, filed April 16, 2008. Defendant Eye has reviewed this motion and believes it is well founded and correctly raises the issues and problems inherent in a joint trial that will likely result in a miscarriage of justice with respect to one or both of the defendants. Defendant Eye therefore joins in his co-defendant's request for reconsideration of the denial of

the motion to sever for the reasons previously asserted, relying on case law cited therein, as well as those most recently articulated in Sandstrom's most recent motion.

WHEREFORE, Defendant Eye moves the Court to grant him a separate trial in this matter.

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

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, April 16, 2008.

/s/

JOHN R. OSGOOD