

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

In re: Criminal Trial Docket
April 22, 2013

ORDER SETTING PRETRIAL CONFERENCES

I. Schedule of Pretrial Conferences

Kansas City

Pursuant to the direction of the court en banc, the following criminal cases are set for pretrial conferences before United States Magistrate Judge Robert E. Larsen on Monday, April 8, 2013, commencing at the times shown below or as soon thereafter as they may be reached. No defendant or counsel will be excused because of failure to reach a criminal case at the time fixed unless excused by me.

Counsel and the defendant are to appear in court at least ten minutes before their case is scheduled to be heard. The attorneys, including defense and government counsel, who will try the case shall attend the pretrial conference. Each defendant is to be present.

All pretrial conferences will be held in Courtroom 6D, United States Courthouse, 400 East Ninth Street, Kansas City, Missouri 64106.

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
13-00080-01-CR-W-HFS 9:00 a.m.	United States of America v. Carl A. Mabe	Catherine Connelly Michael Marcotte
11-00207-01-04-07-CR-W-BCW 9:15 a.m. CUSTODY	United States of America v. Fernando Gomez-Correa	Catherine Connelly Henri Watson Patrick Berrigan
CUSTODY	<i>Spanish-speaking interpreter required</i> Juan Jose Martinez-Quevedo	Angela Hasty
CUSTODY	<i>Spanish-speaking interpreter required</i> Moises G. Moreno	Joe Butcher
	<i>Spanish-speaking interpreter required</i>	

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
13-00074-01-CR-W-HFS 9:30 a.m. CUSTODY	United States of America v. James Berry	Catherine Connelly Larry Pace
12-00261-01-CR-W-DGK 9:45 a.m. CUSTODY	United States of America v. Jesse Luuloa Pier	Pat Daly Larry Pace
12-00388-01-CR-W-GAF 10:00 a.m. CUSTODY	United States of America v. Montae D. Nolan	Mike Green Travis Poindexter
13-00077-01-CR-W-GAF 10:15 a.m.	United States of America v. August W. Jentsch	Teresa Moore Travis Poindexter
13-00076-01-CR-W-DGK 10:30 a.m. CUSTODY	United States of America v. John Richard Fortenberry, Jr.	Teresa Moore Bill Raymond
11-00118-01-CR-W-DGK 10:45 a.m. CUSTODY	United States of America v. George B. Harris <i>Pro Se Defendant</i>	Christina Tabor Bill Raymond (stand by)
12-00064-01-CR-W-GAF 11:00 a.m. CUSTODY	United States of America v. Raymond A. White	Rudolph Rhodes Bill Raymond
12-00342-01-CR-W-DGK 11:15 a.m. CUSTODY	United States of America v. Juan Ramirez-Compean <i>Spanish-speaking interpreter required</i>	Roseann Ketchmark Bill Raymond
12-00265-01-CR-W-HFS 11:30 a.m. CUSTODY	United States of America v. Shawn R. Closser	Shalanda Smith Bill Raymond

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
13-00332-01-CR-W-DGK 11:45 a.m. CUSTODY	United States of America v. Michael P. Murphy	Sydney Sanders Bill Raymond
13-00042-01-CR-W-FJG 1:00 p.m. CUSTODY	United States of America v. Cameron Polfus	Sydney Sanders Ronna Holloman-Hughes
13-00049-01-CR-W-FJG 1:15 p.m. CUSTODY	United States of America v. Marshall D. Jackson	David DeTar Newbert Ronna Holloman-Hughes
13-00075-01-CR-W-DW 1:30 p.m. CUSTODY	United States of America v. Jimmy A. Coddington	David DeTar Newbert Laine Cardarella
13-00039-01-CR-W-DW 1:45 p.m. CUSTODY	United States of America v. Derrick King	Daniel Royce Laine Cardarella
13-00031-01-CR-W-FJG 2:00 p.m. CUSTODY	United States of America v. Tywan A. Poole	Daniel Royce Laine Cardarella
13-00065-01-CR-W-GAF 2:15 p.m. CUSTODY	United States of America v. Kenneth O. Combs	David Barnes Laine Cardarella

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
12-00063-01/02-04/12-CR-W-GAF 2:30 p.m. CUSTODY	United States of America v. Timothy L. Kirlin	Charles Ambrose Laine Cardarella Anita Burns
CUSTODY	Douglas R. Yates Kirk E. Fannin Ryan Klapmeyer Abram J. Englehart	David Guastello Lance Sandage R. Mark Nasteff Chad Gardner
CUSTODY	Patrick Holmes, Jr. Spencer Woodard Matthew Davis	Mark Thomason Jim Speck Pat Peters John Osgood
CUSTODY	Timothy Cella Mark Owen Erin Salsman	Fred Duchardt Willie Epps Kent Hall

Specially Set for April 15, 2013
All filings described below are due on April 10, 2013, for this case only

12-00374-01-CR-W-HFS 2:45 p.m.	United States of America v. Quincy L. Jackson	Rudolph Rhodes Jacquelyn Rokusek
12-00382-01/04-CR-W-FJG 3:00 p.m.	United States of America v. Alan T. Karnes	Rudolph Rhodes Richard Sindel Christopher Angles
CUSTODY	Charles E. Connor James L. May Justin W. Adams ¹	Bob Kuchar John Osgood John Picerno

¹Although I received a report from Pretrial Services several weeks ago that defendant Justin Adams was killed in an automobile accident, the case has not yet been dismissed against him.

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
11-00120-02/04-12-CR-W-FJG 3:15 p.m.	United States of America v. Christina Ramos ²	Rudolph Rhodes Ron Hall
CUSTODY	<i>Spanish-speaking interpreter required</i> Ramiro Marrufo-Escarcega	David H. Johnson
CUSTODY	<i>Spanish-speaking interpreter required</i> Cesar Bejarano-Mendoza <i>Spanish-speaking interpreter required</i> Jorge Arellano <i>Spanish-speaking interpreter required</i>	Cynthia Dodge Richard Benson
13-00045-01-CR-W-BP 3:30 p.m.	United States of America v. Tommie Briscoe	Brent Venneman Bob Kuchar
12-00275-01-CR-W-BCW 3:45 p.m.	United States of America v. Kalil Bryant	David DeTar Newbert Bob Kuchar
12-06015-01-CR-SJ-DGK 4:00 p.m.	United States of America v. Barrett J. Carroll	Jalilah Otto Katrina Robertson
12-00320-01-CR-W-DW 4:15 p.m.	United States of America v. Kenneth Keatings	Stefan Hughes Cynthia Dodge
10-00320-04-09-14-CR-W-DGK 4:30 p.m.	United States of America v. Peter Adam Flores Jason Richardson Rafael Zamora	Bruce Rhoades Charles McKeon John Gromowsky Gene Harrison

²Defendant Christina Ramos is currently an absconder. Defense counsel is not required to attend the pretrial conference if Ms. Ramos has not been arrested or surrendered before April 8, 2013.

Springfield

The following criminal case is set for pretrial conferences before United States Magistrate Judge Robert E. Larsen on Thursday, March 28, 2013, commencing at 9:30 a.m. (immediately preceding suppression hearing). The attorneys, including defense and government counsel, who will try the case shall attend the pretrial conference. Each defendant is to be present. The pretrial conference will be held in the bankruptcy courtroom.

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
12-03043-01/02-CR-S-DW 9:30 a.m.	United States of America	Randall Eggert Timothy Garrison Cynthia Hyde
CUSTODY	v. Joseph Ledwa David L. Collins	Kristen Jones John Kizer

II. Pretrial Conference

Counsel are instructed to be prepared to discuss the following issues at the pretrial conference:

1. Facts or circumstances requiring a larger jury panel (more than 43),
2. Pending motions,
3. Estimated trial time,
4. Discovery problems,
5. Possible stipulations (counsel should have proposed stipulations available for review and signature by the parties at the conference);
6. Exhibits to be offered at trial (exhibit lists should be brought to the pretrial conference),³

³PLEASE NOTE THE REQUIREMENT THAT ALL EXHIBITS MUST BE NUMBERED WITH ARABIC NUMBERS AND NO SUB-PARTS, THAT IS, EXHIBITS MUST BE NUMBERED 1, 2, 3, 4, ETC. NO EXHIBITS NUMBERED 1A, 1B, 2A, 2B, ETC., WILL BE PERMITTED.

7. Witnesses to be called at trial (witness lists, with the witnesses listed in alphabetical order by last name and then by first name, should be brought to the pretrial conference), and

8. Change of plea or dismissal of charge.

Each of these criminal cases, unless given a special setting, is set for trial on a criminal trial docket with all available district judges sitting beginning April 22, 2013.

III. Witness Lists, Exhibit Lists, Proposed Voir Dire and Jury Instructions

It is

ORDERED that by the day of the pretrial conference, the parties shall file with the Clerk of Court witness lists, with the witnesses listed in alphabetical order by last name and then by first name, and exhibit lists. In addition, a copy of each must be brought to the pretrial conference. It is further

ORDERED that by Wednesday, April 17, 2013, counsel shall file with the Clerk of the Court:

1. Memoranda or briefs on anticipated evidentiary questions,
2. Memoranda or briefs on legal questions on which the parties request pretrial rulings,
3. Proposed voir dire questions, and
4. Two copies of jury instructions (one copy reflecting the source of the instruction and a second clean copy).

PLEASE NOTE: Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by April 19, 2013. To the extent there are disagreements to certain instructions, each attorney shall tab

and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

It is further

ORDERED that all trial exhibits shall be premarked and listed on the Clerk of the Court Exhibit List form.

IV. Continuances and Pleas

Regarding motions for continuances and possible changes of plea, it is

ORDERED that a defendant who intends to file a motion to continue the trial of his or her case until the next docket, which is Tuesday, May 28, 2013, shall file such motion promptly. **Any motion filed must include a statement indicating the position of every other party in the case, i.e., whether that party objects to a continuance, does not object to a continuance, or joins in the motion for the continuance.**⁴ In addition, every motion must include specific reasons why a continuance is necessary. The motion shall state specifically what discovery and investigation has been completed, specifically what discovery and investigation remains to be completed, and a specific explanation as to why the continuance is being sought.

It is further

ORDERED that counsel for a defendant who intends to change his or her plea from “not guilty” to “guilty” or “nolo contendere” shall immediately call the Courtroom Deputy of the assigned District Judge at the telephone number listed below so that a change of plea hearing

⁴A statement in the motion indicating that co-counsel have been contacted is not sufficient. If co-counsel has not responded, the movant shall include a statement in the motion of the specific attempts made to contact that attorney. Failure to comply with this requirement will result in the motion being returned to the movant’s attorney with a request to file an amended motion with the requested information. Any attorneys who repeatedly fail to respond when asked for their position on a motion to continue may be removed from the list of approved CJA attorneys.

can be set before the District Judge. Counsel shall then immediately notify my courtroom deputy at 816-512-5774 of the date for the scheduled change of plea. The defendant will not be removed from the pretrial conference docket unless my office is notified by counsel of the change of plea hearing.

/s/ Robert E. Larsen
 ROBERT E. LARSEN
 United States Magistrate Judge

Kansas City, Missouri
 March 22, 2013

Courtroom Deputy Information:

<u>Division</u>	<u>District Judge</u>	<u>Courtroom Deputy</u>	<u>Phone #</u>
FJG	Fernando Gaitan, Jr.	Rhonda Enss	816-512-5644
GAF	Gary Fenner	Tracy Diefenbach	816-512-5674
DGK	D. Gregory Kays	Alex Francis	816-512-5629
BP	Beth Phillips	Kelly McIlvain - or - Tina Duer	816-512-5744 816-512-5614
BCW	Brian Wimes	Joella Baldwin	816-512-5052
NKL	Nanette Laughrey	Renea Kanies	816-512-5689
HFS	Howard Sachs	Kelly McIlvain - or - Tina Duer	816-512-5744 816-512-5614
ODS	Ortrie Smith	Eva Will-Fees	816-512-5659
DW	Dean Whipple	Tracy Diefenbach	816-512-5674
SOW	Scott Wright	Kelly McIlvain - or - Tina Duer	816-512-5744 816-512-5614