

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

In re: Criminal Trial Docket
January 10, 2011

ORDER SETTING PRETRIAL CONFERENCES

I. Schedule of Pretrial Conferences

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 Wednesday, December 29, 2010, 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>
10-06010-01-CR-SJ-DGK 9:00 a.m.	United States of America v. Andrew Shea	Kathy Fincham Bob Kuchar
10-00168-01/02-CR-W-GAF 9:15 a.m.	United States of America v. Robert Leroy Jordan Victor Maltbia	Pat Daly John Reed Laine Cardarella

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
09-00366-01-05-CR-W-FJG 9:30 a.m.	United States of America v. Lloyd Claerhout Cameron D. Bennett	David Ketchmark Jess Michaelson Steve Willibey Laine Cardarella
09-00347-01-CR-W-NKL 9:45 a.m. CUSTODY	United States of America v. Reginald L. Mitchem	Stefan Hughes Bill Raymond
10-00228-01-CR-W-DGK 10:00 a.m. CUSTODY	United States of America v. Duane A. Vaughn	Christina Tabor Bill Raymond
10-00209-01-CR-W-HFS 10:15 a.m.	United States of America v. Desmond M. Gidden	Christina Tabor Bill Raymond
10-00066-02/04-CR-W-DGK 10:30 a.m. CUSTODY	United States of America v. Dia R. Williams Joe Willie Johnson Louise Lynette Harrington	Bill Meiners Ron Partee Susan Dill Phil Gibson
10-00272-01-CR-W-ODS 10:45 a.m. CUSTODY	United States of America v. Luis A. Zavala <i>Spanish-speaking interpreter needed</i>	Chuck Ambrose Sean Pickett
10-00307-01-CR-W-SOW 11:00 a.m.	United States of America v. Henry S. Rios	Chuck Ambrose Angela Hasty

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
10-00320-01/11-13/18-CR-W-DGK 11:15 a.m.	United States of America v.	Bruce Rhoades
CUSTODY	Juan Antonio Marron	Susan Hunt
CUSTODY	David Hernandez-Montoya	Kent Hall
	<i>Spanish-speaking interpreter needed</i>	
CUSTODY	Mario Marron	P.J. O'Connor
CUSTODY	Peter Adam Flores	Charles McKeon
CUSTODY	Robert Joseph Olvera	Mark Thomason
CUSTODY	Anthony Francis Alvarez	Ron Partee
CUSTODY	Benito Castillo Gutierrez	David Johnson
	John Gasca, Jr.	John Osgood
	Jason Richardson	John Gromowsky
CUSTODY	Marco Antonio Mursia	Angela Hasta
	<i>Spanish-speaking interpreter needed</i>	
	Armando Mendez	Sarah Rapelye
CUSTODY	Maria Marron	Adam Crane
	<i>Spanish-speaking interpreter needed</i>	
	Rafael Zamora	Gene Harrison
	Joseph Michael Lopez	Dion Greene
CUSTODY	Frank Michael Lopez	Dana Altieri
CUSTODY	Gilbert Lupercio	Anthony Sicola
	Margot Charlene Davidson	Ron Hall

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),¹

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 January 10, 2011.

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

It is

ORDERED that by Wednesday, December 29, 2010, 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, January 5, 2011, 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

¹PLEASE 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.

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 January 7, 2011. 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 February 14, 2011, shall file such motion on or before December 22, 2010. **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.** 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 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
December 15, 2010

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
ODS	Ortrie Smith	Eva Will-Fees	816-512-5659
GAF	Gary Fenner	Tracy Diefenbach	816-512-5674
NKL	Nanette Laughrey	Renea Kanies	816-512-5689
DGK	D. Gregory Kays	Alex Francis	816-512-5629
DW	Dean Whipple	Tracy Diefenbach	816-512-5674
HFS	Howard Sachs	Tina Duer	816-512-5614
SOW	Scott Wright	Kelly McIlvain	816-512-5744