

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

In re: Criminal Trial Docket
November 26, 2012

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, November 14, 2012, 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>
11-00276-01-CR-W-GAF 9:00 a.m.	United States of America v. Simon L. Wertemberger	Paul Becker Mike Green Bert Godding
CUSTODY		
11-00158-01-CR-W-DW 9:15 a.m.	United States of America v. Terrance E. Majors	Mike Green Bill Raymond

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
11-00118-01-CR-W-DGK 9:30 a.m. CUSTODY	United States of America v. George B. Harris <i>Pro Se Defendant with Stand-By Counsel</i>	Christina Tabor Bill Raymond
12-00064-01-CR-W-GAF 10:00 a.m. CUSTODY	United States of America v. Raymond A. White	Rudy Rhodes Bill Raymond
12-00265-01-CR-W-HFS 10:15 a.m. CUSTODY	United States of America v. Shawn R. Closser	Shalanda Smith Bill Raymond
12-00172-01-CR-W-BP 10:30 a.m.	United States of America v. Dontay A. Willis	Bruce Clark Shalanda Smith Anita Burns
12-00282-01-CR-W-BCW 10:45 a.m. CUSTODY	United States of America v. Wendell D. Isaac	Shalanda Smith Travis Poindexter
12-00137-01-CR-W-DGK 11:00 a.m. CUSTODY	United States of America v. Wilson J. Sheets, III	Christina Tabor Travis Poindexter
12-00044-01-CR-W-DW 11:15 a.m. CUSTODY	United States of America v. Joshua Boyles	Bruce Clark Shalanda Smith Bob Kuchar

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
12-00241-01-CR-W-HFS 1:30 p.m. CUSTODY	United States of America v. Arthur L. Murff	Sydney Sanders Nick Seacord
12-00316-01-CR-W-FJG 1:45 p.m. CUSTODY	United States of America v. Jamie D. Jones	Leena Ramana Debra Fickler
12-00157-01-CR-W-BP 2:00 p.m. CUSTODY	United States of America v. Robert A. Lingle	Leena Ramana Ronna Holloman-Hughes
12-00321-01-CR-W-HFS 2:15 p.m. CUSTODY	United States of America v. Ian Nelson	Stefan Hughes Kurt Marquart
12-00313-01-CR-W-GAF 2:30 p.m. CUSTODY	United States of America v. Virgil L. Kitchen	Brent Venneman Steve Moss
12-00269-01-CR-W-GAF 2:45 p.m. CUSTODY	United States of America v. Donald T. Paris, Jr.	Pat Daly Steve Moss
12-06012-01-CR-SJ-GAF 3:00 p.m. CUSTODY	United States of America v. Jeffrey Ray Pendleton	Bruce Rhoades David Kelly
10-00320-04-09-12-14-CR-W-DGK 3:15 p.m. CUSTODY CUSTODY	United States of America v. Peter Adam Flores Jason Richardson DeShaun Ceruti Rafael Zamora	Bruce Rhoades Charles McKeon John Gromowsky Brian Gaddy Gene Harrison

<u>No./Time</u>	<u>Parties</u>	<u>Counsel</u>
12-06015-01-CR-SJ-DGK 3:30 p.m. CUSTODY	United States of America v. Barrett J. Carroll	Jalilah Otto Katrina Robertson
12-06004-01/05-CR-SJ-BCW 3:45 p.m. CUSTODY CUSTODY	United States of America v. Domingo Ajanel-Castro <i>Spanish-speaking interpreter required</i> Pedro Pablo-Solis <i>Spanish-speaking interpreter required</i> Isabel Ramirez Mendoza <i>Hearing device required</i> Hector Juarez Mendoza, Sr. <i>Spanish-speaking interpreter required</i> Thomas R. McNamara, III	Trey Alford Bob Martin Brian Gaddy Michael Marcotte Angela Hasty Al White
11-00030-01/02-04/05-CR-W-GAF 4:00 p.m.	United States of America v. Craig A. Chambers William M. Vaughan Tom K. Crowley John Nevins	John Cowles Brian Gaddy Jonathan Bortnick Ron Hall George Thomas, III
12-00275-01-CR-W-BCW 4:15 p.m. CUSTODY	United States of America v. Kalil Bryant	David DeTar Newbert Bob Kuchar
12-00281-01-CR-W-DGK 4:30 p.m. CUSTODY	United States of America v. Jonathan M. Green	Mike Green Bob Kuchar

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 November 26, 2012.

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

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.

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, November 21, 2012, 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 November 21, 2012. 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 January 7, 2013, shall file such motion on or before November 7, 2012. **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.**² 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

²A 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.

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
October 31, 2012

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