

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) v.) Criminal Action No. 09-00121-01-CR-W-DGK
)
GILBERTO LARA-RUIZ,)
)
) Defendant.)

MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE

I. Background

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before the undersigned United States Magistrate Judge on May 12, 2011. The defendant appeared in person and with appointed counsel, Jacquelyn Rokusek. The United States of America appeared by Assistant United States Attorney Bruce Rhoades.

On April 9, 2009, the Grand Jury returned a fifteen count indictment. Count fourteen charges the defendant on or about January 1, 2006 and December 30, 2006, the exact dates unknown to the Grand Jury, in the Western District of Missouri, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, those crimes set out in Counts One and Three through Nine of this indictment, all allegations of which are incorporated herein by reference, possessed at least one firearm, to wit: a “sawed-off” shotgun seen at this house in late 2006, an AR-15 style rifle shown at his house in mid-2006, a black 9 mm semi-auto pistol traded

for drug debt reduction and methamphetamine in mid-2006, and a black .32 caliber semi-auto pistol and a .22 caliber revolver traded for methamphetamine to a co-conspirator in 2006, all contrary to the provisions of Title 18, United States Code, Section 924(c)(1)(A)(I). Count fifteen charges that on or about November 18, 2006, in the Western District of Missouri, the defendant herein, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, those crimes set out in Counts One and Three through Nine of this indictment, all allegations of which are incorporated herein by reference, used and discharged a firearm, to wit: a loaded handgun, all contrary to the provisions of Title 18, United States Code, Section 924(c)(1)(A)(iii). The following matters were discussed and action taken during the pretrial conference:

II. Trial Counsel

Mr. Rhoades announced that he will be the trial counsel for the Government.

Ms. Rokusek announced that she will be the trial counsel for the defendant.

III. Outstanding Motions

There are no motions pending at this time and the time for filing of pretrial motions has expired.

IV. Trial Witnesses

Mr. Rhoades announced that the Government intends to call twelve (12) witnesses during the trial of this case.

Ms. Rokusek announced that the defendant intends to call no witnesses during the trial of this case. The defendant may testify.

V. Trial Exhibits

Mr. Rhoades announced that the Government will offer approximately ten (10) exhibits in evidence during the trial of this case.

Ms. Rokusek announced that the defendant will offer no exhibits in evidence during the trial of this case.

VI. Defenses

Ms. Rokusek announced that the defendant will rely on the defenses of general denial.

VII. Possible Disposition

Ms. Rokusek stated this case is definitely for trial.

VIII. Trial Time

Counsel were in agreement that this case will take two to three (2 - 3) days to try.

IX. Stipulations

None

**X. Exhibit List,
Voir Dire, and Instructions**

The United States Magistrate Judge ordered:

1. That, in addition to the requirements of the Scheduling Order, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by or before Noon, Wednesday, May 18, 2011;
2. That counsel for each party file and serve requested jury voir dire examination questions by or before Noon, Wednesday, May 18, 2011; and

3. That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before Noon, Wednesday, May 18, 2011. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with Wordperfect 5.1, 6.1 or 8.0.

XI. Unusual Questions of Law

Counsel announced that they had no knowledge of any unusual questions of law that may arise during the trial of this case. **An interpreter is needed.**

XII. Trial Setting

Counsel for both parties and the defendant were informed that this case will be listed for trial which commences on May 23, 2011.

/s/ John T. Maughmer
JOHN T. MAUGHMER
United States Magistrate Judge

Kansas City, Missouri

cc: The Honorable David Gregory Kays

Mr. Bruce Rhoades

Ms. Jacquelyn Rokusek

Mr. Kevin Lyon