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

UNITED STATES OF AMERICA,)
Plaintiff,)
) Case No. 09-00121-12-CR-W-DGK
v.)
)
NATHAN MCKEE,)
Defendant.)

MOTION FOR RELEASE AND SUGGESTIONS IN SUPPORT

The defendant Nathan McKee, by and through his attorney Melanie S. Morgan, moves this Court for an Order continuing the detention hearing in the above captioned matter. The following suggestions in support of this request are offered:

- On or about April 9, 2009 Mr. McKee was indicted in a multi-count, multi-defendant
 Indictment alleging various violations of the Controlled Substances Act.
- 2. On or about April 29 Mr. McKee appeared on a writ from the State of Missouri and accordingly, was determined not eligible for bond at that time.
- 3. Probation has determined that Mr. McKee's custodial sentence expired on or about September 28, 2009 and that Mr. McKee is eligible for parole in the State of Missouri. According to correspondence received by the U.S. Probation Department, the State of Missouri does require Mr. McKee to be physically present in the State of Missouri in order to be released on parole. It is the intent of the State of Missouri to place Mr. McKee on parole as soon as he is returned to State of Missouri custody.
- 4. Given the change of circumstances, it appears that Mr. McKee is eligible to be considered for bond in this matter.
- 5. Defense counsel is scheduled to be out of town at a conference through October 2, 2009.

She requests that a hearing be scheduled as soon thereafter as is practicable. Counsel has discussed the possibility of an October 6, 2009 hearing date with Mr. McKee and he has no objection to this request.

Based on the reasons set forth herein, counsel requests that conditions of release be established in order that Mr. McKee can return to State of Missouri custody and be paroled.

Respectfully Submitted,

/s/ Melanie S. Morgan

Melanie S. Morgan, MO No. 90 Morgan Pilate LLC 142 N. Cherry Street Olathe, KS 66061

Telephone: 913-829-6336 Facsimile: 913-829-6446 Attorney for Nathan McKee

CERTIFICATE OF SERVICE

I, Melanie S. Morgan, do hereby certify that a true and accurate copy of the foregoing was served on opposing counsel and counsel of record by the ECF system on September 30, 2009.

/s/ Melanie S. Morgan