

1
2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE WESTERN DISTRICT OF MISSOURI**
 WESTERN DIVISION

4 **UNITED STATES OF AMERICA,**) **Case No. 09-00112-01-CR-W-ODS**
)
5 **Plaintiff,**) **Kansas City, Missouri**
) **January 28, 2010**
6 **v.**)
)
7 **CLIFTON D. TAYLOR,**)
)
8 **Defendant.**)
)

9)
10 **TRANSCRIPT OF ATTORNEY REPRESENTATION HEARING**
11 **BEFORE THE HONORABLE ROBERT E. LARSEN**
 UNITED STATES MAGISTRATE JUDGE

12 **APPEARANCES:**

13 For the Plaintiff: Leena Ramana, Esq.
 Daniel M. Nelson, Esq.
 AUSA
14 400 E. Ninth St., Ste. 5510
 Kansas City, MO 64106
15 (816) 426-3122

16 As Standby Counsel: John R. Osgood, Esq.
 740 NW Blue Parkway, Ste. 305
17 Lee's Summit, MO
 (816) 525-8200

18 Court Audio Operator: Ms. Joella Baldwin
19
20 Transcribed by: Rapid Transcript
 Lissa C. Whittaker
 1001 West 65th Street
21 Kansas City, MO 64113
 (816) 822-3653

22 Proceedings recorded by electronic sound recording, transcript
23 produced by transcription service.
24
25

1 (Court in Session at 10:41 a.m.)

2 THE COURT: Be seated everyone. Good morning.

3 MR. NELSON: Good morning.

4 MR. OSGOOD: Good morning, Your Honor.

5 THE COURT: I'm calling the case of *United States of*
6 *America v. Clifton Taylor*. The number of the case is 09-112-01-
7 CR-W-ODS. Let me have the Assistant U.S. Attorney's appearance,
8 please.

9 MR. NELSON: Good morning, Your Honor. Dan Nelson and
10 Lena Ramana for the United States.

11 THE COURT: Thank you. And we have standby counsel for
12 Mr. Taylor, right?

13 MR. OSGOOD: John Osgood as standby counsel, Your Honor.

14 THE COURT Okay. I thought it prudent to have everybody
15 get together once again because, as I think everybody no doubt
16 may remember here, this was a case in which Mr. Taylor had
17 requested replacement of his court-appointed lawyer, the
18 Assistant Federal Public Defender. That was refused and then he
19 decided after having a hearing on the issue that he was going to
20 proceed *pro se*. He did that. The case went to trial and after
21 trial, there was a need to replace the Federal Public Defender,
22 and so, after consultation with Judge Smith, appointed Mr. Osgood
23 as standby counsel. The other day, I can't remember if I read it
24 in the paper or if I actually saw the document, there was a
25 motion for a new trial with suggestions in support by Mr. Osgood

1 as standby counsel. And, of course, as I think everyone knows
2 here, we don't allow any kind of a hybrid representation here.
3 Either Mr. Taylor is going to continue to represent himself,
4 which he has a constitutional right to do, or if he decides that
5 he wants to turn over the balance of the matter to Mr. Osgood,
6 then we will then formally appoint him as counsel for Mr. Taylor.
7 So, that's kind of where we're at and, Mr. Taylor, do you want us
8 to appoint Mr. Osgood to represent you now in connection with the
9 case that you have pending against you?

10 MR. TAYLOR: Yes. You should have a letter in the mail
11 today why I withdrew as counsel and suggested that Mr. Osgood
12 succeed me as counsel.

13 THE COURT: Okay. So, you want us to allow him to come
14 in and represent you, right?

15 MR. TAYLOR: Yes.

16 THE COURT: Right?

17 MR. TAYLOR: Yes.

18 THE COURT: And now you understand that when Mr. Osgood
19 is representing you, we're not going to allow then a hybrid
20 relationship, as I think I've told you before. If Mr. Osgood is
21 representing you, you're not going to be allowed to file your
22 pleadings *pro se*. It's going to be Mr. Osgood's work that we're
23 going to have here. Do you understand that?

24 MR. TAYLOR: Yes.

25 THE COURT: Yes? Okay. So, I just don't want you to be

1 surprised if you file something *pro se* that it will be stricken
2 from the record, because that's what I'm going to do. I'm going
3 to strike it from the record unless you decide that you want to
4 go ahead and represent yourself again and we'll come back and
5 we'll have another hearing. Okay. So, any questions that you
6 have about that process, Mr. Taylor?

7 MR. TAYLOR: No.

8 THE COURT: Anything else, Mr. Osgood?

9 MR. OSGOOD: No, I just -- the reason that I filed that
10 new trial motion was the seven-day window that we were looking
11 at. And we talked about it, so. I understand the rule about
12 hybrid representation. I didn't think about it at the time, but
13 that's why it was filed because --

14 THE COURT Does the rule say it's seven days to file a
15 motion for a new trial? Is that what the rule --

16 MR. OSGOOD: It is.

17 THE COURT: All right.

18 MR. OSGOOD: Seven days after the verdict.

19 THE COURT: Well, okay. In any case, we'll have Mr.
20 Osgood representing Mr. Taylor, and I think that's it. Anything
21 else?

22 MR. NELSON: No, Your Honor.

23 THE COURT: Okay. Well, thank you all very much.

24 (Court Adjourned at 10:45 a.m.)

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceeding in the above-entitled matter.

/s/ Lissa C. Whittaker
Signature of transcriber

January 29, 2010
Date