



parties or ordered by the court, (2) take full advantage of the voluntary discovery offered by opposing counsel, and (3) only file discovery motions that are not covered under this order and that cannot be resolved by informal contact between counsel for the parties. No defendant shall file a discovery motion in a case in which the government is affording open-file discovery unless defense counsel certifies that he or she has made a good faith effort to obtain the material from the government and has been unable to do so.

The government has agreed to voluntarily produce discovery materials. Defendant's motion does not identify what material he desires which is not being produced voluntarily by the government.

Motion for pretrial release. Defendant requests release on his own recognizance on the grounds that (1) he has no money to use to flee, (2) he does not have a history of violence, (3) he does not desire to cause anyone harm. After the detention hearing in this case, I entered an order of detention which included the following:

I find by a preponderance of the evidence that no single condition of release or combination of conditions of release will reasonably assure the appearance of defendant as required. Defendant is facing a lengthy prison sentence if convicted in this case. He has outstanding warrants, he was on bond for one offense and on probation for three other offenses at the time this robbery occurred. He has a history of failure to appear, an unstable residence, and a history of illegal drug use.

In addition, I find by clear and convincing evidence that no single condition or combination of conditions of release will reasonably assure the safety of the community. Defendant is charged with bank robbery by threatening to shoot someone. He has a long criminal history which includes multiple arrests for assaultive behavior and two felony convictions. He was on bond for one offense and on probation for three other convictions at the time this

offense was committed, and he has a history of marijuana use.

Contrary to defendant's assertions in his pro se motion, he has established by his past conduct that he is a flight risk and a danger to the community. Nothing in his pro se motion addresses the findings in the original detention order. Therefore, his motion for release, if filed by his attorney, would be denied.

Motion to dismiss. Finally defendant requests dismissal of the indictment on the ground that several potential government witnesses have given what defendant terms "confusing" evidence. This is not a basis for dismissing the indictment. Any confusion of testimony goes to the credibility of that witness, and defense counsel may present those arguments to the jury.

Because defendant is represented by an attorney, it is ORDERED that his three pro se motions are denied as improperly filed. Any further pro se motions filed by defendant while he is represented by counsel will be summarily denied.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
May 29, 2009