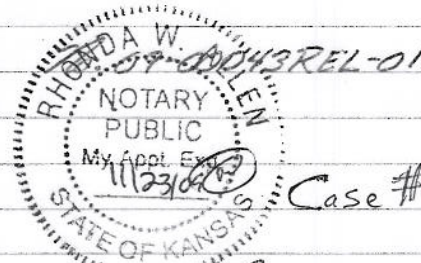


06-09-2009

Motion 2 of 2

In the United States District Court for the
Western District of Missouri
Western Division

United States of America)
Plaintiff)
v)
Clifton Taylor D)
Defendant)



Case # 09-00112-01-CR-W-ODS

Motion for Severance due to defect in indictment

Comes now the defendant Clifton Taylor D without counsel and not trained in the law hereby moves this Court to grant motion to sever charges due to an erroneous indictment. On 04/08/2009 the Grand jury imposed an indictment against the defendant for one count 18 USC § 2113 (a) which states the defendant took by violence money belonging to Central Bank from bank employee witness Veronica Lopez. After Lopez reviewed photos of the plaintiff defendant she with certainty said it wasnt her but another man [See confusion of evidence by jury and spillover effect of evidence on one count United States v Abrams 539 F. Supp 378, 381 (SDNY 1982)] See United States v Chin 224 F3d 121, 124 (2d Cir 2000) the Court must balance the need for hearsay against the defendants interest in confronting witnesses] Therefore the indictment is misleading to the courts and is a act of government misconduct to file capricious charges [See Whiteley v Warden Wyo. State Penitentiary 401 U.S. 560 91 S Ct 1021 28 L Ed. 2d 306. (1971) complaints without supporting Underlying facts should not be used See. United States v Bectoli 854 F Supp 975 DNY 1994 affirmed in part vacated in part 40 F 3d 1384 (3d Cir 1994) evidence of government misconduct must be presented to the court and not jury evidentiary hearing is required when there are disputes as to material facts at issue in the motion See United States v Barnett 814 F. Supp. 1449 (D Alaska 1992) also United States v Beasley 485 F 2d. 60, 62 (10th Cir 1973) a conclusory allegation is insufficient to support a complaint] Therefore without Veronica Lopez acknowledging the defendant as being the bank robber she is not a witness against the defendant as stated in the indictment and makes the indictment constitutionally defective.

Respectfully Submitted

This motion is not entered Pro Se but from one who is not trained and have no knowledge of the law and request the courts to offer new counsel
U.S. v D Amore 56 F 3d 1202 9th Cir 1995