

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal Action No.
) 09-00112-01-CR-W-ODS
CLIFTON TAYLOR,)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

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 me on December 22, 2009. Defendant Clifton Taylor appeared in person and with Assistant Federal Public Defender Travis Poindexter. The United States of America appeared by Assistant United States Attorneys Leena Ramana and Dan Nelson.

I. BACKGROUND

On April 8, 2009, an indictment was returned charging defendant with one count of bank robbery, in violation of 18 U.S.C. § 2113(a).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Nelson announced that he and Leena Ramana will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Mrachek, FBI.

Mr. Poindexter announced that he will be the trial counsel for defendant Clifton Taylor. Ron Ninemire, investigator, will also be present.

III. OUTSTANDING MOTIONS

There is currently pending for ruling by the District Judge a motion in limine filed by defendant on December 18, 2009 (document number 67). The motion in limine seeks to preclude the government from mentioning that defendant allegedly consumed portions of written notes during an interview with law enforcement officers, that he allegedly consumed portions of a drinking cup provided during an interview with law enforcement officers, and any information relating to prior convictions or outstanding warrants against defendant. The government will not seek to admit defendant's prior drug conviction or any of his arrests in its case in chief.

IV. TRIAL WITNESSES

Mr. Nelson announced that the government intends to call 23 witnesses without stipulations or 16 witnesses with stipulations during the trial.

Mr. Poindexter announced that defendant Clifton Taylor intends to call 3 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Nelson announced that the government will offer approximately 44 exhibits in evidence during the trial.

Mr. Poindexter announced that defendant Clifton Taylor will offer not more than 5 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Poindexter announced that defendant Clifton Taylor will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Poindexter stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are not likely.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 1/2 to 3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed May 27, 2009, 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 December 22, 2009;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, January 6, 2010;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, January 6, 2010. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No additional motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on January 11, 2010. The

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, January 8, 2010. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. **The instructions shall be listed in the order they are to be given.**

parties are requesting the second week of the docket.

Additional security measures will be taken by the United States Marshal due to defendant's past disruptive behavior in court. Defendant's ankles will be shackled; however, the counsel tables will be positioned and draped in such a way to prevent the jury from seeing defendant's shackles. Defendant may be required to wear a shock vest. The trial will be held in a courtroom which is equipped with video monitoring equipment so that the defendant can watch the proceedings from the Marshal's lock up if it becomes necessary to remove him from the courtroom. Video monitoring equipment is available in Courtrooms 6C, 7C, and 8C.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
December 22, 2009

cc: Mr. Kevin Lyon