

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 08-00026-03-CR-W-FJG
)
TROY R. SOLOMON,)
)
Defendant.)

**GOVERNMENT'S RESPONSE IN OPPOSITION TO
DEFENDANT SOLOMON'S MOTION TO SUPPRESS EVIDENCE**

The United States of America provides the following response in opposition to Defendant Troy Solomon's supplemental motion (Doc. No. 138) to suppress evidence:

I. INTRODUCTION

On October 21, 2008, this matter came before this Court upon defense motions to suppress the evidence seized as a result of the execution of a search warrant at the South Texas Wellness Center. At that hearing, this Court ruled that defendants Christopher Elder and Delmon Johnson did not have standing to challenge the search warrant. The Court granted defendant Troy Solomon's ("Solomon") request for an additional five days to prove he had a legitimate expectation of privacy that was violated by the challenged search. On October 27, 2008, Solomon filed a supplemental motion to suppress evidence. (Doc. 138). As demonstrated below, Solomon does not have standing to contest the validity of the search warrant.

II. ARGUMENT

1. Solomon Does Not Have Standing to Challenge the Search Warrant.

In his supplemental motion to suppress evidence seized from South Texas Wellness Center, pursuant to the search warrant, Solomon argues that he can prove standing to challenge the search of business records, if he had additional time. Solomon has had more than sufficient time to demonstrate standing.

A search of the Texas Secretary of State's Corporations database for the term "South Texas Wellness Center" revealed Articles of Organization for South Texas Wellness Center that indicates the members of this entity to be Pleshette Johnson, D.C.; Ada Penrice Johnson; Luther L. Johnson, Jr.; and Luther L. Johnson, III. The organizer is listed as Pleshette Johnson, D.C., and the registered agent is Luther L. Johnson, Jr. The Texas Franchise Tax Public Information Report for 2006, and the Application for Reinstatement for 2007 both indicate Pleshette Johnson as the owner. Attached as Exhibit A are certified copies of Articles of Organization, Tax Forfeiture, Public Information Report, and Reinstatement. There is no indication in the public records for South Texas Wellness Center that Solomon has had, or has obtained, an ownership interest in this entity.

It is incredible for Solomon to argue that he cannot provide detailed evidence of his standing because the Government has failed to make adequate discovery. (Solomon's Supp. Mot. to Suppress Evid., at 2.) The very fact that he would make such an argument shows that he does not have standing.

As "evidence" of his standing, Solomon attaches to his supplemental motion an unsigned "Articles of Incorporation prepared in September, 2004, in anticipation of business dealings

between the owners or purported owners of South Texas Wellness Center.” (Solomon’s Supp. Mot. to Suppress Evid., at 2.) A search of the Secretary of State’s Corporations database for the term “Sojo Enterprises,” which is the name on the document provided by Solomon, fails to reveal any record with the Texas Secretary of State. In other words, there is no record with the Secretary of State that Sojo Enterprises has filed any Articles of Organization with the Secretary of State. In fact, there was no indication of Sojo Enterprises existence on the Secretary of State’s website.

It is clear that Solomon has not demonstrated a subjective expectation of privacy in South Texas Wellness Center. Thus, he does not have standing to challenge the validity of the search warrant.

III. CONCLUSION

For the reasons stated above, Defendant Troy Solomon’s Supplemental Motion to Suppress Evidence Seized from the South Texas Wellness Center should be denied.

Respectfully submitted,

John F. Wood
United States Attorney

By */s/ Stefan C. Hughes*

For Rudolph R. Rhodes IV #39310
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East 9th Street, 5th Floor
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on November 5, 2008, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

Anthony Bannwart
7322 SW Frwy., Suite 1510
Houston, Texas 77074

/s/ Stefan C. Hughes

For _____
Rudolph R. Rhodes IV
Assistant United States Attorney

RRR/jf

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