

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

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO. 08-00026-01/05-CR-W-FJG
	§	
MARY LYNN ROSTIE,	§	
CYNTHIA S. MARTIN,	§	
TROY R. SOLOMON,	§	
CHRISTOPHER J. ELDER, and	§	
DELMON L. JOHNSON,	§	
	§	
Defendants.	§	

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**DEFENDANT SOLOMON'S SECOND SUPPLEMENTAL BRIEF WITH EVIDENCE  
IN SUPPORT OF MOTION TO SUPPRESS ALL EVIDENCE OBTAINED  
IN SEARCH OF SOUTH TEXAS WELLNESS CENTER**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, TROY SOLOMON, Defendant in the above-entitled and numbered cause, and files this second supplement to his Motion to Suppress All Evidence Obtained in Search of South Texas Wellness Center. In support hereof, Defendant SOLOMON would respectfully show the Court as follows:

1. In addition to the financial and organizational documentation<sup>1</sup> previously produced to this Court demonstrating Defendant SOLOMON's ownership interest in South Texas Wellness Center, the United States has recently provided discovery from the Houston based investigation of Dr. Peter

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<sup>1</sup> The United States' erroneously contends in it's Response that Defendant SOLOMON's omission from the organization of South Texas Wellness Center, L.L.C., in February, 2005, precludes his standing. This ignores the basic fact that the various parties involved were free to organize or re-organize the legal structure of this legitimate enterprise at any time and in any manner they deemed most appropriate to protect their joint or individual interests.

Okose indicating that the government knew of Defendant SOLOMON's ownership interest in South Texas Wellness Center as early as October, 2005.

2. On October 26, 2005, Diversion Investigator Connie L. Overton prepared a "Report of Investigation" documenting her "Telephone Conversation with the State of Missouri Pharmacy Board Investigator Frank Van Fleet" of October 25, 2005. In her report, DI Overton states that Defendant SOLOMON was recognized by Mr. Van Fleet as the owner of South Texas Wellness Center. A true and correct copy of said "Report of Investigation" is attached hereto as Exhibit "A" and is incorporated herein by reference.

3. On November 21, 2005, Diversion Investigator Judi Watterson prepared a "Report of Investigation" documenting her discussion with Mr. Van Fleet of October 21, 2005, wherein Mr. Van Fleet states that Defendant SOLOMON represented his address as "South Texas Wellness Center, 3003 S. Loop West, Suite 450, Houston, TX 77054" when dealing with Defendant ROSTIE. A true and correct copy of said "Report of Investigation" is attached hereto as Exhibit "B" and is incorporated herein by reference.

4. As part of it's Indictment, the government has alleged that Defendant SOLOMON received numerous packages at South Texas Wellness Center prior to the disputed search.

5. The disputed search of South Texas Wellness Center occurred on May 3, 2006, well after the government learned of Defendant SOLOMON's ownership interest, and concomitant expectation of privacy, in South Texas Wellness Center.


6. Without admitting to any specific level of involvement in the actual operations of South Texas Wellness Center, as an owner, Defendant SOLOMON had an expectation of privacy in each and every aspect of the premises as well as any and all property, documents and/or tangible things, in whatever form, related to South Texas Wellness Center. Consequently, Defendant SOLOMON has standing to bring his Motion to Suppress All Evidence Obtained in Search of South Texas Wellness Center.

WHEREFORE, PREMISES CONSIDERED, TROY SOLOMON, Defendant, prays that the Court find that he has standing to bring his Motion to Suppress All Evidence Obtained in Search of South Texas Wellness Center and that said Motion be, in all things, granted. Defendant further prays for such other and further relief to which he may be justly entitled.

Respectfully submitted,

BANNWART & ASSOCIATES, P.C.

By:



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ATTORNEYS FOR DEFENDANT  
SOLOMON

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Defendant Solomon's Second Supplemental Brief with Evidence in Support of Motion to Suppress All Evidence Obtained in Search of South Texas Wellness Center has this day been sent via electronic filing to all parties of record.

SIGNED this 19<sup>th</sup> day of November, 2008

BANNWART & ASSOCIATES, P.C.

By:

  
ANTHONY L. BANNWART

ATTORNEYS FOR DEFENDANT  
SOLOMON