

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

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	No. 08-00026-04-CR-W-FJG
)	
CHRISTOPHER L. ELDER,)	
)	
Defendant.)	

**DEFENDANT ELDER’S SUPPLEMENTAL SUMISSION IN AID OF THE
COURT’S IN CAMERA REVIEW OF CERTAIN RECORDS PROVIDED BY
THE TEXAS MEDICAL BOARD FOR DETERMINATION OF RELEVANCY
AND DISCLOSURE TO ELDER’S DEFENSE ATTORNEY**

Defendant Elder has served a *duces tecum* trial subpoena on the Custodian of Records, Texas Medical Board (TMB), demanding production of certain records dealing with disciplinary proceedings instituted against one Peter Okose, M.D. On February 18, 2009 the Texas Attorney General acting on behalf of the TMB moved to quash the subpoena and such other relief as the court deems appropriate (See Doc. 183). Defendant Elder filed a responsive pleading on February 19, 2009 (Doc. 184) and court heard argument on the matter and ordered the TMB to file certain records with the Court under seal for in camera inspection and review (Doc. 186). TMB complied (Doc. 192) and the Court took possession of said records and ordered them

filed under seal (Doc. 195) on March 18, 2009. The matter is presently before the Court for further review and determination.

While this subpoena matter was in litigation, the prosecution re-interviewed one Lillian Zapata of Austin, Texas at KCI Airport on February 28, 2009. A little over a week ago the prosecution provided defense counsel with a copy of the report of that interview, it having been memorialized by DEA Agent Watterson on March 3, 2009 in a written report. A copy of the report designated as Exhibit "A" has been mailed to the Court and parties under separate cover letter or by way of electronic mail per request of the United States Government as opposed to attaching it hereto.

Defendant Elder is mentioned in the report only by passing reference to Zapata having seen him at the Ascensia pharmacy "a couple of times" (Report page 4, para. 9). Conversely, there is direct and substantial reference to Doctor Okose in the report and information concerning his methods and practices in issuing prescriptions in large quantity and discussion of what the government has alleged to be highly questionable and illegal practices in the indictment (See Report, page 2, paragraphs 4 and 5).

Defendant Elder believes that Exhibit "A" is further evidence of his need and legal right to access to the information contained in TMB disciplinary files dealing with Doctor Peter Okose.

WHEREFORE, defendant submits herewith his supplemental filing in aid of the Court's determination as to the relevancy of the sealed TMB records.

Respectfully submitted,

/s/

John R. Osgood

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CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been caused to be served on the Assistant United States Attorney for Western District of Missouri and other ECF listed counsel including Counsel for Texas Medical Board through use of the Electronic Court Document Filing System on Thursday, April 02, 2009 and further certify that Exhibit "A" referenced in said pleading has been mailed to the Court under separate cover and copies of Exhibit "A" provided by electronic mail to counsel for the TMB.

/s/

JOHN R. OSGOOD