

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

UNITED STATES OF AMERICA	
V.	CAUSE NO. 4:08-cr-00026
TROY R. SOLOMON DELMON JOHNSON	

**DEFENDANTS TROY SOLOMON AND DELMON JOHNSON'S
MOTION FOR CONTINUANCE**

TO THE HONORABLE SARAH HAYS UNITED STATES DISTRICT COURT
JUDGE FOR THE WESTERN DISTRICT OF MISSOURI, WESTERN DIVISION:

COME NOW TROY SOLOMON AND DELMON JOHNSON, Defendants, and respectfully move this Honorable Court for a continuance of trial for the following reasons:

1. Defendants are currently set for trial on Monday, July 20, 2009;
2. Counsel for Defendants Solomon and Johnson have recently been informed that additional discovery material existed for review at the Houston DEA office, but this material could only be reviewed under the supervision of DEA Agent Connie Overton;
3. Agent Overton was out of town until Wednesday, June 24, 2009;
4. Counsel scheduled an initial viewing on Monday, June 29, 2009 and can represent to the Court that we have need for additional time to conduct investigation pertaining to the newly disclosed discovery.

5. Despite Counsels' numerous requests, we have been refused the opportunity to examine and review the electronic evidence seized in the government's initial raid of Ascencia Nutritional Pharmacy;
6. On Friday, June 26, 2009, the government emailed counsel the interviews of several new witnesses.¹ If the government intends to call these witnesses or present any evidence arising there from, counsel will need additional time to investigate these witnesses and their newly disclosed information.

Counsel must be afforded the opportunity to adequately evaluate and investigate the material that the Government has disclosed within the last month and make this request in keeping with their Constitutional right to a fair trial. This Motion is not made for the purpose of delay but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Defendants request that this Motion for Continuance be granted.

Respectfully submitted,

/s/ Chip Lewis

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¹ Consistent with our previous complaints, counsel would like the Court to note that these new witnesses were interviewed months ago, but the reports were only disclosed three days ago.

/s/ Anthony L. Bannwart

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Attorney for Defendant
Delmon Johnson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendant's Motion for Continuance has been forward via electronic filing to Rudolph Rhodes, Assistant United State's Attorney, on this the 29 day of June 2009.

/s/ Chip Lewis

CHIP LEWIS

CERTIFICATE OF CONFERENCE

On 6-29-09, counsel for Defendants conferred with Assistant United States Attorney, Rudolph Rhodes concerning his position on Defendant's Motion for Continuance and Mr. Rhodes advised that he is unopposed to this Motion.

/s/ Chip Lewis

CHIP LEWIS