

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' MOTION FOR RECONSIDERATION OF  
TRANSFER OF VENUE TO THE SOUTHERN DISTRICT OF TEXAS**

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

COME NOW Defendants Solomon and Johnson and respectfully move this Honorable Court to transfer this case to the Southern District of Texas (Houston Division).

The Defendants reurge the arguments set out in the previous requests to transfer venue. (See Document #s 31, 33, 175 and 182). In light of the recent events that have particularly impacted Mssrs. Solomon and Johnson, as discussed at the pretrial hearing of June 29, 2009, they are compelled to reassert the arguments set out in these previous requests and highlight the new reasons that militate in favor of transfer.

This Court devoted eight pages of its Order discussing the various arguments asserted by all three defendants in their respective motions and engaged in a balancing test to determine the appropriate venue and ruled against defendants. The scales have more than tipped in favor of the defendants' request for transfer to Houston.

As the Court witnessed at the pretrial hearing, the parallel Houston investigation has become the tail that wags the dog. This case has infinitely more connection to Houston than it does to Kansas City. Both the defense and the government expressed the need to depose multiple witnesses from Houston. It is now apparent that there are boxes of records in Houston that require a great deal of attention. Absent the two cooperating defendants (Rostie and Martin), there is virtually no nexus to Kansas City.

The numerous cases cited by this Court in its 8-page discussion now tilt in favor of transfer of venue. Courts are often reticent to transfer a case out of respect to their fellow jurists. However, this trepidation can be cured by following the case to Houston.

WHEREFORE, PREMISES CONSIDERED, Defendants request that this Motion to Transfer be granted.

Respectfully submitted,

/s/ Chip Lewis

CHIP LEWIS  
TBC #00791107  
FED ID# 24313  
MARY GRACE RUDEN  
TBC #24026862  
2120 Welch  
Houston, Texas 77019  
713-523-7878 (Telephone)  
713-523-7887 (Facsimile)

**ATTORNEYS FOR SOLOMON**

/s/ Anthony Bannwart  
ANTHONY BANNWART  
TBC #00792344  
Bannwart & Associates, P.C.  
7322 Southwest Freeway, Suite 1510  
Houston, Texas 77074

**Attorney for Defendant  
DELMON JOHNSON**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion has been forward via electronic filing to Rudolph Rhodes, Assistant United State's Attorney, on this the 2nd day of July 2009.

/s/ Chip Lewis  
CHIP LEWIS

**CERTIFICATE OF CONFERENCE**

On 07/02/09, 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 opposed to this Motion.

/s/ Chip Lewis  
CHIP LEWIS