

**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 MOTION TO EXCUSE HIM
FROM PERSONAL APPEARANCE AT THE PENDING
PRETRIAL HEARING BECAUSE OF MEDICAL
RESTRICTIONS ON FLYING
WITH SUGGESTIONS IN SUPPORT**

DEFENDANT ELDER, hereby moves the Court to excuse him from personal appearance at the scheduled pretrial hearing on January 26, 2010 because of medical restrictions on flying imposed on him by his physician. As grounds, defendant states:

Defendant's home caught on fire and while rushing from work to home he was in a serious one-car automobile accident. The injury sustained in the accident required complex facial reconstruction surgery which was performed on December 7, 2009.

As a result of the surgery, defendant's jaw was wired shut to allow for bone healing. Pretrial services was aware of the accident and resultant surgery and

allowed defendant to report by email during the period he was unable to verbally communicate.

On January 13, 2010 his plastic surgeon, Morgan E. Norris, MD, removed the “hardware” that was surgically implanted during the initial surgery. Doctor Norris states that the defendant should refrain from air travel for at least four weeks while his maxillary sinuses continue to heal (See attachment 1, letter from Dr. Norris).

Defendant hereby knowingly waives any 6th Amendment right to personal appearance in court and requests that he instead be allowed to participate in the hearing by telephonic means.

WHEREFORE, defendant asks the court to excuse him from personal appearance and allow him to appear instead by telephonic means.

Respectfully submitted,

/s/

John R. Osgood
Attorney at Law, #23896
Commercial Fed Bnk- Suite 305
740 NW Blue Parkway
Lee's Summit, MO 64086

Office Phone: (816) 525-8200

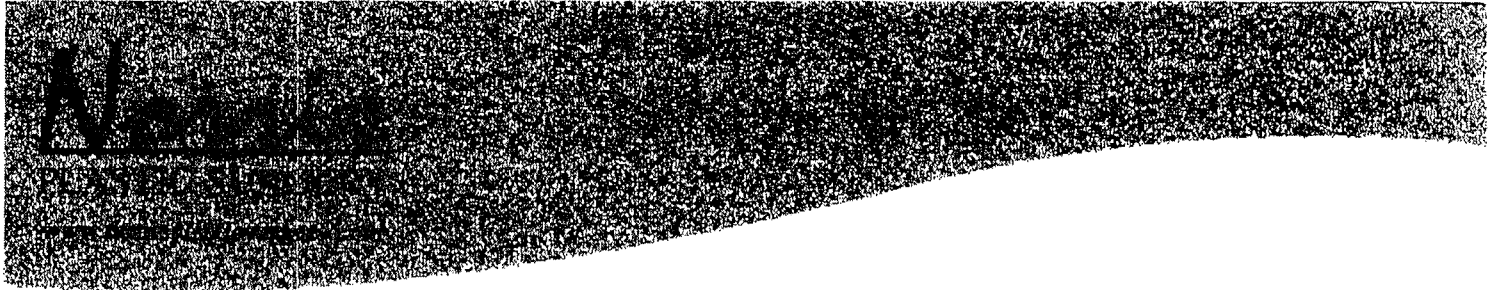
Fax: 525-7580

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 through use of the Electronic Court Document Filing System on Wednesday, January 20, 2010.

/s/

JOHN R. OSGOOD



January 13, 2010

To Whom It May Concern:

My name is Morgan E. Norris, M.D. I am a Plastic Surgeon in the Texas Medical Center.

On December 7, 2009 Christopher L. Elder, M.D. underwent complex facial reconstruction to address injuries sustained in a MVA.

The patient will undergo hardware removal today and is being asked to refrain from air travel for at least four weeks as his maxillary sinuses were compromised and require more time to heal.

Thank you very much for your kind regards to this matter.

Respectfully,

Morgan E. Norris, M.D.

MEN/tba

6100 Fannin, Suite 2130
Houston, TX 77030
tel: 713.383.6400
fax: 713.383.6401

ATTACHMENT "A"