

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 08-00026-03-CR-W-FJG
)
TROY R. SOLOMON,)
)
Defendant.)

**GOVERNMENT'S SUGGESTIONS IN OPPOSITION TO DEFENDANT
TROY SOLOMON'S MOTION TO CONTINUE**

The United States of America, by and through its undersigned counsel, respectfully submits the following suggestions in opposition to defendant Troy Solomon's Motion to Continue Trial (Doc. No. 292).

On February 6, 2008, a federal grand jury in the Western District of Missouri returned a 24-count indictment charging Troy R. Solomon ("defendant Solomon") and four other defendants with crimes related to the illegal distribution of controlled substances by The Medicine Shoppe pharmacy in Belton, Missouri to defendant Solomon in Houston, Texas. Count One charges all five named defendants with conspiring to distribute controlled substances. Count Two charges certain defendants, including Solomon, with conspiracy to commit money laundering. Counts Three through Twelve charge certain defendants with substantive counts of illegal distribution and dispensation of schedule III, IV, and V controlled substances.

On May 4, 2010, a federal grand jury in Houston returned an indictment charging defendant Solomon and two others with conspiracy to illegally dispense and distribute controlled substances. *See United States v. Peter Chukwuemeka Okose, et al.*, Criminal No. H-10-279 (May

4, 2010). According to court documents in that case, from approximately January, 2004, to approximately May 3, 2006, defendant Solomon, as the pharmacy owner of Ascensia Nutritional Pharmacy, used his pharmaceutical practice to fill prescriptions for various controlled drugs, including hydrocodone products, outside the course of professional practice and not for a legitimate medical purpose. *Id.*

The case before this Court is set for trial beginning June 21, 2010. On May 11, 2010, defendant Troy Solomon filed a motion to continue trial because he was recently indicted in another case in the Southern District of Texas. The remaining co-defendants do not join defendant Solomon in his request for a continuance. Co-defendant Christopher Elder has in fact filed objections to the continuance of the trial.¹

Defendant Solomon argues that it “will be impossible to get up to speed on the new case to a degree that will allow for settlement discussions” while preparing for trial in this matter. A sizable amount of the discovery in the Houston case was made available for inspection and copying to defense counsel. Last year, defendant Solomon’s counsel was able to inspect all of the boxes of evidence recovered from Ascensia Nutritional Pharmacy. Moreover, defendant Solomon has received numerous DEA reports of investigation in the Houston case. In fact, defendant Solomon was in the unusual position to have access to discovery before the indictment

¹ Interestingly, in his objection to the motion for continuance, co-defendant Elder favors a transfer of case for defendant Solomon only, although he had at one time sought transfer of the case to the Southern District of Texas as well. (*See* Document 182.) In addition, defendant Elder’s motion overlooks the fact that the pending motion for reconsideration of transfer of venue is a joint motion that includes co-defendant Delmon Johnson. (*See* Document 242.) It should go without saying that defendant Elder lacks standing to argue for or against a motion that is only relevant to another defendant. For the record, the United States opposes transfer of any defendant, and also opposes any relief that causes a severance of the trial, which would be unwarrantedly wasteful of the government’s resources and those of two federal courts.

in Houston was filed. In short, defendant Solomon has had the highly unusual opportunity to enjoy broad access to the investigative reports and evidence in the Houston matter well in advance of the return of the Houston indictment. As a result, defendant Solomon will not be unduly prejudiced by the existence of the Houston indictment.

In addition, government counsel in both Kansas City and Houston have expressed their willingness to discuss a global plea agreement with defendant Solomon's counsel. Such an agreement can be drafted before the current trial setting, if defendant Solomon wishes to plead guilty.

III. CONCLUSION

For the reasons stated above, Defendant Troy Solomon's motion for a continuance should be denied.

Respectfully submitted,

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By */s/ Rudolph R. Rhodes, IV*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on May 14, 2010, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

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/s/ Rudolph R. Rhodes, IV

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RRR/rp