

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.)
)
TROY R. SOLOMON,)
)
 Defendant.)

Case No. 08-00026-03-CR-W-FJG

ORDER

On February 6, 2008, the Grand Jury returned the instant indictment. After various continuances, the trial was given a special setting of June 21, 2010.

On May 11, 2010, defendant Solomon filed a Motion for Continuance (doc #292).¹ The motion states that on May 4, 2010, an indictment was filed in the Southern District of Texas charging defendant Solomon along with Dr. Peter Okose and Bede Nduka with a conspiracy to distribute controlled substances which overlaps the dates of the conspiracy charged in the indictment filed in this court. Counsel argues that he needs additional time in which to evaluate the discovery relative to the Texas indictment and to engage in settlement discussions to resolve both cases against defendant Solomon.

At a pretrial hearing held on June 30, 2009, it was discussed that an indictment in the Southern District of Texas was looming on the horizon. Thus, defendant Solomon has been aware that an indictment was imminent in Texas for quite some time. Discovery pertinent to the Texas

¹Defendant Elder and the Government oppose the requested continuance. Defendant Johnson does not object to the motion for continuance.

investigation has been provided to defendants in this case. As set forth by the Government:

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 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.

(Government's Suggestions in Opposition to Defendant Troy Solomon's Motion to Continue (doc #296) at 2-3) Thus, counsel has had an opportunity to inspect and evaluate at least some of the evidence that will be used to prosecute defendant Solomon in Texas prior to the filing of the Texas indictment.

Given the time the instant case has been pending, the fact that the indictment in Texas has been anticipated for quite some time and the fact that discovery pertinent to the Texas indictment has been made available to defense counsel in the Western District of Missouri prosecution, the Court finds that defendant Solomon has not presented a sufficient basis for delaying the trial of this action. Therefore, it is

ORDERED that Troy Solomon's Motion for Continuance (doc #292) is denied.

/s/ Sarah W. Hays

SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE