

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 08-00026-04-CR-W-FJG
)
CHRISTOPHER L. ELDER,)
)
Defendant.)

**GOVERNMENT'S RESPONSE TO DEFENDANT ELDER'S REQUEST
FOR FURTHER CLARIFICATION OF HIS CONDITIONS OF RELEASE**

The United States of America provides the following response in opposition to Defendant Christopher L. Elder's motion (Doc. No. 370) for clarification of bond:

I. SUGGESTIONS IN SUPPORT

On June 30, 2010, a federal jury convicted defendant Christopher Elder ("Elder") of conspiracy to distribute and dispense controlled substances and eight counts of aiding and abetting unlawful distribution and dispensing of controlled substances. Elder was permitted to remain on bond pending sentencing.

The Court subsequently entered an order on August 2, 2010, modifying the conditions of release, prohibiting Elder from "ordering, manufacturing, distributing, possessing, dispensing, administering and/or prescribing controlled substances, as well as engaging in any other controlled substance activities, either directly or indirectly (such as through another physician, nurse or physician's assistant)."

On August 20, 2010, Elder appeared before members of the Texas Medical Board at an Informal Show Compliance Proceeding. Following that proceeding, the Texas Medical Board

issued an order, which is attached as Exhibit A, suspending Elder's Texas medical license. In its suspension order, the Texas Medical Board concluded that its rules and regulations required that Elder's medical license be suspended based on his "conviction of a felony."

Elder argues that the members of the Texas Medical Board were concerned with Court's order modifying the conditions of release. However, there is no mention of this Court's order of modification in the order of suspension. *See In the Matter of the License of Christopher L. Elder, M.D.*, Texas Medical License No. L-6872, Order of Suspension (Aug. 23, 2010). In fact, it clearly states that by operation of law Elder's medical license must be suspended, based on his felony convictions. Elder is now asking this Court to enter an order stating that he "may engage in the practice of medicine," even though he has been suspended by a state licensing board acting pursuant to its rules and regulations. This is an attempt to override a state agency decision with a federal court order. The government request that this Court declines Elder's invitation to do so. This Court's order of modification of the conditions of release is clear and needs no further clarification.

II. CONCLUSION

For these reasons, Defendant Christopher Elder's Motion for Clarification of his bond should be denied.

Respectfully submitted,

Beth Phillips
United States Attorney

By */s/ Rudolph R. Rhodes IV*

Rudolph R. Rhodes IV #39310
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East 9th Street, 5th Floor
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on August 30, 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.

John R. Osgood
Attorney at Law
740 NW Blue Parkway, Suite 305
Lee's Summit, Missouri 64086

/s/ Rudolph R. Rhodes IV

Rudolph R. Rhodes IV
Assistant United States Attorney