

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 10-00162-14-CR-W-FJG
	)	
RONNELL BROWN,	)	
	)	
Defendant.	)	

**MOTION TO WITHDRAW  
MR. BROWN’S DECEMBER 13, 2011 (DOC. 543)  
MOTION FOR THE RETURN OF SEIZED PROPERTY  
WITH SUPPORTING SUGGESTIONS**

**COMES NOW** Ronnell Brown, by counsel, and hereby respectfully moves for the withdrawal of his December 13, 2011 (doc. 543) motion for the government to return certain property that was seized from Mr. Brown by federal agents.

**SUPPORTING SUGGESTIONS**

On June 9, 2010, Mr. Brown was arrested at his residence and in the progress of the arrest, federal agents seized from Mr. Brown’s possession, among other things, two cell phones (a black Sprint Palm Pre and a silver Verizon Palm Treo) and four photographs, all depicting Mr. Brown, Darren Henderson, and others. The particulars of these seizures are set forth in detail in the government’s investigative file at Bates 752, 753, and 756. Correspondingly, those pages appear on the government’s discovery disc at 436.pdf, 437.pdf, and 439.pdf. The file further informs that the items seized were placed in the Unit safe and then transferred to the KCMOPD Property & Evidence Section.

Fed. R. Crim. P. 41(g), provides in pertinent part that a person aggrieved by the deprivation of property may move for the property’s return. This rule applies

to Mr. Brown's situation presented here. *See e.g., United States v. Hall*, 269 F.3d 940, 941-42 (8th Cir. 2001). The federal agents seized the items ostensibly for investigative purposes. With Mr. Brown having now been sentenced, it would appear that the government no longer has any legitimate reason to continuing its hold on the items and they should forthwith be returned to Mr. Brown. It was upon this basis that Mr. Brown moved this Court on December 13, 2011 (doc. 543) for an order directing the government to return the property as requested.

The government has now returned the property in question and therefore, Mr. Brown's December 13, 2011 motion is no longer needed.

**WHEREFORE**, RONNELL BROWN prays that this motion be granted.

Respectfully submitted,

/s/

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### **CERTIFICATE OF SERVICE**

I hereby certify that on March 19, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which electronically served all parties.

/s/

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E. Eugene Harrison