

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

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**ROBERT E. STEWART,**

Defendant.

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Case No. 09-00296-03-CR-W-FJG

**MOTION OF DEFENDANT ROBERT E. STEWART  
FOR REVIEW OF DETENTION ORDER,  
WITH SUGGESTIONS IN SUPPORT**

COMES NOW Defendant Robert E. Stewart, by and through his undersigned attorney, and moves the District Court to review the Order for Detention, pursuant to 18 U.S.C. § 3145(b), and in support thereof, states:

1. On September 30, 2009, the Court held a hearing on the government's Motion to Detain defendant Stewart. On October 2, 2009, the Court issued its Order denying pretrial release (Doc. No. 41). Defendant moved the Court to reconsider the order (Doc. No. 59), and the government opposed the request (Doc. No. 76). The magistrate judge denied the motion for reconsideration (Doc. No. 82).

2. 18 U.S.C. § 3145 provides in pertinent part:

**“(b) Review of a detention order.** - If a person is ordered detained by a magistrate judge, ... the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.”

3. Defendant respectfully suggests the magistrate judge's reasons for detention unfairly

places emphasis on defendant's prior felony convictions (the most recent being over twenty years ago), defendant's risk of flight (he was warned by the case agent over two years ago that he would be charged, but did not flee the jurisdiction), and a risk to the community (the indictment period itself ends in July, 2007).

4. Defendant submits there are conditions or a combination of conditions which will reasonably assure the appearance of the defendant as requested and which will reasonably assure the safety of any other person and the community. Defendant, who suffers from Hodgkin's Lymphoma, will submit to home confinement with electronic monitoring, regular drug testing, no association with fellow El Forastero members, basically, any and all conditions which the Court may impose.

5. Defendant does have significant ties to the community, including ownership of a home, where he lives with his wife, and full time employment. While facing a significant sentence *if convicted*, defendant could have long ago fled the jurisdiction of this court had he wanted. His significant health issues weigh heavily in favor of release pending trial so he can properly monitor and treat his condition. Any number of conditions of release can be imposed to assure defendant abides all laws and appears as required.

WHEREFORE, Defendant prays that this Court review the detention order and thereupon revoke it and in its place order defendant released on bond under such conditions of release as this Court deems appropriate.

/s/Ronald E. Partee

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### **CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2009, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system, which will send notification to the following: Jeffrey E. Valenti and Daniel Morton Nelson, Assistant United States Attorneys, and all counsel of record.

/s/Ronald E. Partee  
Ronald E. Partee