

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

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

**MOTION TO MODIFY
CONDITIONS OF RELEASE**

Pursuant to 18 U.S.C. § 3142(c)(B)(xiv), the United States respectfully moves the Court for an order modifying the conditions of defendant Christopher L. Elder's release to prohibit him 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 assistant).

SUGGESTIONS IN SUPPORT OF MOTION

On June 30, 2010, a federal jury convicted defendant Christopher Elder of conspiracy to distribute and dispense controlled substances and eight counts of aiding and abetting unlawful distribution and dispensing of controlled substances. Following the guilty verdicts, the United States immediately moved for defendant Elder's detention, pursuant to 18 U.S.C. § 3143(a), which motion was denied by this Court.

It was anticipated that defendant Elder would voluntarily surrender his Drug Enforcement Administration ("DEA") Certificate of Registration since he was found guilty of the controlled substance offenses. *See* 21 U.S.C. § 824 (a)(2). However, he refused to do so.

Defendant Elder continues to prescribe controlled substances to patients while awaiting the imposition of his sentence. He has served notice to at least one pharmacy in Texas that although he has been convicted of a felony, he is still allowed to prescribe controlled substances. The DEA and the Texas Medical Board are unable to act quickly to terminate and revoke his registration and medical license. In the meantime, given the nature of his convictions, he poses a danger to the safety of the community by being allowed to continue to prescribe controlled substances.

As a result, the Government respectfully requests that the Court enter an order modifying the conditions of defendant Elder's release that he is not permitted to order, manufacture, distribute, possess, dispense, administer, and/or prescribe controlled substances, as well as engage in any other controlled substance activities, either directly or indirectly (such as through another physician, nurse, or physician assistant).

Respectfully submitted,

Beth Phillips
United States Attorney

By /s/ Rudolph R. Rhodes, IV

Rudolph R. Rhodes IV
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 E. 9th Street, Suite 5510
Kansas City, Missouri 64106
Telephone: 816- 426-3122

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on July 19, 2010, to the Electronic Filing System (CM/ECF) of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

John Osgood
Commercial Federal Bank
740 N.W. Blue Parkway
Suite 305
Lee's Summit, MO 64086

/s/ Rudolph R. Rhodes, IV
Rudolph R. Rhodes, IV
Assistant United States Attorney