

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

JUDGE PHILIP A. BRIMMER

COURTROOM MINUTES

Courtroom Deputy: Deborah Hansen
Court Reporter: Janet Coppock

Date: July 7, 2014

CASE NO. 13-cr-00411-PAB

Parties

Counsel

UNITED STATES OF AMERICA

David Tonini
James Allison

Plaintiff,

vs.

THERON MAXTON,

Paula Ray

Defendant.

HEARING ON MOTIONS

01:37 p.m. COURT IN SESSION

APPEARANCES OF COUNSEL. Defendant is not present.

Court's comments

Statement by Deputy U.S. Marshal Eric Schmucker

Colloquy between Ms. Ray and Deputy U.S. Marshal Eric Schmucker

Court's further comments

Statement by Mr. Tonini

Statement by Ms. Ray

Court's findings entered on the record.

The Court finds that the defendant has made a knowing and voluntary waiver of his presence from this particular hearing.

Discussion

The Court addresses pending *pro se* motions:

Court's findings entered on the record as to [Docket No. 83].

ORDERED: The Motion for Recusal [Docket No. 83] is DENIED.

ORDERED: A hearing on the Motion for a New Attorney [Docket No. 84] is set at 9:30 a.m. on Monday July 14th, 2014.

Court's findings entered on the record as to [Docket No. 85].

ORDERED: The Motion to Have Judge Brimmer Remove From This Case and a Competency and Mental Health Evaluation Done [Docket No. 85] is DENIED.

Evidence is taken on the Motion to Suppress Statements [Docket No. 20]:

GOVERNMENT'S WITNESS AMBER CRONAN

02:02 Direct (by Mr. Tonini)

Exhibit Nos. 1 and 2 are offered and ADMITTED.

Exhibit No. 4 is offered and ADMITTED (objection overruled).

Exhibit No. 3 is offered and ADMITTED.

Exhibits 5 through 8 are offered and ADMITTED (objections overruled).

02:23 Cross (by Ms. Ray)

Government Rests.

02:33 Argument (by Ms. Ray)

02:36 Argument (by Mr. Tonini)

Court's findings entered on the record.

ORDERED: The Motion to Suppress Statements [Docket No. 20] is DENIED.

Discussion

ORDERED: The Motion to Dismiss Multiplicitous Counts of the Indictment [Docket No. 21] is DENIED.

ORDERED: The Motion for Bill of Particulars [Docket No. 22] is DENIED.

ORDERED: The Motion for Preservation of Notes and Recordings [Docket No. 23] is DENIED AS MOOT.

ORDERED: The Motion for Disclosure of Expert Witnesses [Docket No. 24] is DENIED AS MOOT.

ORDERED: The Motion for Disclosure of Rule 404(b) Evidence [Docket No. 25] is DENIED AS MOOT.

03:00 p.m. **COURT IN RECESS**

Total in court time: one hour and 23 minutes

Hearing concluded