

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

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on June 27, 2007. Defendant Soto appeared in person and with appointed counsel Ronald Partee. The United States of America appeared by Assistant United States Attorney Rudy Rhodes.

## *I. BACKGROUND*

On April 4, 2007, a superseding indictment was returned charging Defendant with: one count of possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A); one count of possession with the intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); one count of possession with the intent to distribute marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D); one count of possessing firearms in furtherance of drug trafficking crimes,

in violation of 18 U.S.C. § 924(c)(1)(A); and being a felon in possession of firearms, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Rhodes announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Byron Hartley, Task Force Officer - ATF.

Mr. Partee announced that he will be the trial counsel for Defendant Soto.

***III. OUTSTANDING MOTIONS***

There are no pending motions in this case.

***IV. TRIAL WITNESSES***

Mr. Rhodes announced that the government intends to call twenty witnesses without stipulations or seven witnesses with stipulations during the trial.

Mr. Partee announced that Defendant Soto intends to call six witnesses during the trial. Defendant Soto may testify.

***V. TRIAL EXHIBITS***

Mr. Rhodes announced that the government will offer approximately fifteen exhibits in evidence during the trial.

Mr. Partee announced that Defendant Soto will offer approximately five exhibits in evidence during the trial.

**VI. DEFENSES**

Mr. Partee announced that Defendant Soto will rely on the defense of general denial.

**VII. POSSIBLE DISPOSITION**

Mr. Partee stated this case is definitely for trial.

**VIII. STIPULATIONS**

Stipulations are likely as to chain of custody, chemist's reports, prior felony conviction, the firearms' interstate nexus, and the operability of the firearms.

**IX. TRIAL TIME**

Counsel were in agreement that this case will take two to two and a half days to try.

**X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed October 6, 2006, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by Wednesday, June 27, 2007;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Tuesday, July 3, 2007;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Tuesday, July 3, 2007. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

**XI. UNUSUAL QUESTIONS OF LAW**

No motions in limine are anticipated. There are no unusual questions of law.

**XII. TRIAL SETTING**

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on July 9, 2007.

*/s/ Robert E. Larsen*  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
June 27, 2007

cc: The Honorable Dean Whipple  
Mr. Rudy Rhodes  
Mr. Ronald Partee  
Mr. Jeff Burkholder