

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEITH MCDANIEL,

Defendant.

Case No. 07-20168

MEMORANDUM AND ORDER

Defendant Keith McDaniel was convicted of conspiracy to manufacture and to possess with intent to distribute cocaine and cocaine base. He received a 360-month prison sentence. His case is currently on appeal to the Tenth Circuit Court of Appeals, No. 09-3273.

Mr. McDaniel has now filed a Motion for Discovery of All Documents (doc. 1244) and a Motion Requesting Certain Ministerial Record (doc. 1252). He is seeking certain documents and information, including the indictment, various warrants, inventory and evidence details, a transcript, and information about the grand jury.

These motions are denied for several reasons. First, Mr. McDaniel is currently represented by counsel, and a defendant does not have the right to hybrid representation—that is to be represented by counsel and also acting pro se. *United States v. McKinley*, 58 F.3d 1475, 1480 (10th Cir. 1995). Thus when defendants have the

assistance of counsel, courts need not consider any filings made pro se. *United States v. Bennett*, 539 F.2d 45, 49 (10th Cir. 1976) (“[P]ermission for [hybrid representation] [is] recognized as being discretionary with the trial court.”); *see also United States v. Castellon*, 218 Fed. Appx. 775, 780 (10th Cir. 2007) (unpub.) (“[W]here a defendant is represented by counsel, we do not accept pro se filings or allegations.”).

Additionally, Mr. McDaniel’s motion asserts that his attorney has assured him that she will provide him copies. Based on that representation, there is no need for the court to intervene.

Finally, Mr. McDaniel mentions that he is willing to pay for the documents he is requesting. If so, he may contact the Clerk’s Office directly at the following address:

Robert J. Dole Federal Courthouse
500 State Ave.
Kansas City, Kansas 66101

He should send a specific request about which documents he would like, and the Clerk’s Office will contact him regarding the Court’s policies, copy request procedures, and any fee that is due.

IT IS ORDERED BY THE COURT that defendant’s Motion for Discovery of All Documents (doc. 1244) and Motion Requesting Certain Ministerial Record (doc. 1252) are **denied**.

IT IS SO ORDERED this 3rd day of September, 2010.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge