

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 08-10208
)	
GARY LESTER HALL, et al.,)	
)	
Defendants.)	
_____)	

MEMORANDUM AND ORDER

This case comes before the court on defendants Gary Hall and Sunflower Supply Company, Inc.'s ("Sunflower") motion for additional peremptory challenges. (Doc. 275). The motion is fully briefed and is ripe for decision. (Docs. 327, 329). The motion for additional peremptory challenges is granted

Other defendants have moved to join the motion. (Docs. 328, 331, 332, 333, 334). The government does not object. Defendants' motions to join are granted.

The court by letter dated June 23, 2010, asked defendants how many additional peremptory challenges they proposed. (Doc. 326). Defendants responded that they wanted 5 additional peremptory challenges per defendant. The government responded that it wanted its usual 60% of the peremptory challenges defendants receive.

The court finds that 5 peremptory challenges per defendant is unnecessary. At this juncture, defendants maintain a unitary defense as opposed to pointing fingers at each other. Therefore, 3 peremptory challenges per individual defendant is fair. The corporations shall have 1 peremptory challenge each. The government may have its usual

60% of the number defendants receive. Should the number of defendants going to trial decrease, then the court may reconsider the number of peremptory challenges that are necessary.

Hall and Sunflower's motion for additional peremptory challenges (Doc. 275) is granted. Defendants motions to join (Docs. 328, 331, 332, 333, 334) are also granted.

IT IS SO ORDERED.

Dated this 6th day of July 2010, at Wichita, Kansas.

s/ Monti Belot
Monti L. Belot
UNITED STATES DISTRICT JUDGE