

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 10-40111-01-RDR

HERIBERTO GONZALEZ-GARCIA,

Defendant.

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O R D E R

On February 4 and 11, 2011, the court held hearings on defendant's motion to suppress evidence. At the conclusion of the hearing on February 11<sup>th</sup>, the parties offered brief arguments on the issue of whether the traffic stop of the defendant was made with reasonable suspicion. The government suggested that the testimony of Trooper Trinkle was credible and sufficient to establish that a traffic violation had occurred. The defendant argued that the circumstances of a prior stop and the instant stop suggested that Trooper Trinkle had "fudged the facts." The defendant argued that Trooper Trinkle was forced to travel at such a high rate of speed to catch the defendant that he did not or could not have observed a traffic violation. The court would like some additional written argument from the defendant on the nature of his argument. The defendant suggested that Trooper Trinkle must have traveled in excess of 120 miles per hour to catch the defendant. The court would like some further explanation on how the defendant arrived at

that conclusion. The court directs the defendant to file a written brief directed at these issues on or before February 25, 2011. The government may file a response within seven days of the filing of the defendant's brief.

**IT IS SO ORDERED.**

Dated this 17<sup>th</sup> day of February, 2011 at Topeka, Kansas.

s/Richard D. Rogers  
United States District Judge