

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

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**DERON O. DYE (01),**

**Defendant.**

**Case No. 18-20094-01-DDC**

**MEMORANDUM AND ORDER**

Defendant Deron O. Dye has moved to reopen the suppression proceedings. Doc. 69 (asking the court to reopen its ruling on Doc. 13). Mr. Dye provides two reasons to open the court's earlier Order denying his Motion to Suppress. Specifically, he asserts: (1) the earlier Order (Doc. 21) is legally insufficient because it made no findings whether police officers seized him and, if so, when they seized him; and (2) new, material evidence has emerged and the court did not have access to that evidence when it decided his Motion to Suppress. *Id.* at 3, 6. The United States has now responded to the motion and it does not oppose reopening the suppression proceedings. Doc. 72 at 1.

The court is persuaded that it possesses authority to reopen a suppression motion. *See, e.g., United States v. King*, 209 F. App'x 760, 761 n.1 (10th Cir. 2006) (noting that district court had reopened suppression issue but not adjudicating authority to reopen); *United States v. Stewart*, 51 F. Supp. 2d 1147, 1162 (D. Kan. 1999) (decision after suppression proceedings reopened). And Mr. Dye has asserted good reason to reopen the issues presented by that motion. The court thus grants Mr. Dye's motion and orders the parties to comply with the following procedures and schedule:

- (1) Mr. Dye must file a new motion to suppress no later than April 13, 2021. This motion must identify—explicitly and as specifically as he can—the evidence Mr. Dye’s motion seeks to suppress.
- (2) The court will conduct the evidentiary hearing on Mr. Dye’s renewed motion on the previously scheduled “save the date” setting: April 20, 2021, at 9:00 a.m.
- (3) The court will conduct a prehearing conference to help sharpen the court’s understanding of the issues and the parties’ plans for the April 20 hearing. Each party should come to this prehearing conference prepared to identify any evidence, memorandum, or other submissions from earlier proceedings that, the party contends, the court should review before the April 20 hearing. **Subject to counsel’s calendars, the court sets this prehearing conference for April 16, 2021, at 3:00 p.m. The court orders the government to coordinate Mr. Dye’s attendance for this conference, but the court does not preclude Mr. Dye from waiving his appearance if he so chooses.** The court sets this prehearing conference as an in person setting, but the court will convert it to a video conference if defendant so requests and submits his written consent to a video conference.
- (4) The parties must submit memoranda addressing the issues presented by Mr. Dye’s renewed motion no later than April 27, 2021, seven days after the close of all evidence offered to support his renewed motion to suppress. The parties also may submit prehearing memoranda, but they are not required to do so.

**THEREFORE, IT IS HEREBY ORDERED BY THE COURT** that Mr. Dye’s Motion to Reopen Suppression Proceedings (Doc. 69) is granted.

**IT IS FURTHER ORDERED** that the deadline for Mr. Dye to file his renewed motion to suppress is **April 13, 2021**.

**IT IS FURTHER ORDERED** that the evidentiary hearing on Mr. Dye's renewed motion to suppress is set for **April 20, 2021, at 9:00 a.m.**

**IT IS FURTHER ORDERED** that the court will conduct a prehearing conference at **3:00 p.m. on Friday, April 16, 2021**. The court sets this conference for an in person hearing but the court will convert it to a video conference if the defendant so requests and consents, as discussed in this Order.

**IT IS FURTHER ORDERED** that the parties must file post-hearing memoranda addressing the renewed motion to suppress no later than **April 27, 2021**.

**IT IS SO ORDERED.**

**Dated this 5th day of April 2021, at Kansas City, Kansas.**

**s/ Daniel D. Crabtree**  
**Daniel D. Crabtree**  
**United States District Judge**