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

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
25-00006-01-CR-W-BP

RAFAEL L. JOHNSON,

Defendant.

MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE

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

PENDING CHARGES:

Count One - Possession with Intent to Distribute Methamphetamine, *in violation of* 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)

Count Two – Possession with Intent to Distribute Morphine, *in violation of* 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)

Count Three – Possession of a Firearm in Furtherance of a Drug Trafficking Crime, *in violation of* 18 U.S.C. § 924(c)(1)(A)(i)

Count Four - Felon in Possession of a Firearm and Ammunition, *in violation of* 18 U.S.C. §§ 922(g)(1) and 924(a)(8)

TRIAL COUNSEL:

Government: Jessica Jennings & Brad Kavanaugh
Case Agent: ATF Special Agent Rachel Alonzo
Defense: James Spies

OUTSTANDING MOTIONS: Defendant's Motion to Dismiss for Vindictive Prosecution (Doc. 79), *Report and Recommendation filed 8/15/25 (Doc. 99)*

Defendant's Motion to Suppress Physical Evidence (Doc. 80), *Report and Recommendation filed 8/15/25 (Doc. 100)*

ANTICIPATED MOTIONS: Motions in limine will be filed.

TRIAL WITNESSES:

Government: 4 with stipulations; 6 without stipulations
Defense: 2 witnesses, including Defendant who likely will not testify

TRIAL EXHIBITS:

Government: 100 exhibits
Defense: 50 exhibits

DEFENSES:

(x) defense of general denial
( ) defenses of general denial and _____

POSSIBLE DISPOSITION:

(x) Definitely for trial
( ) Motion to continue to be filed
( ) Possibly for trial
( ) Likely a plea will be worked out

TRIAL TIME: **2 ½ days**

Government's case including jury selection: 2 days
Defense case: ½ day

STIPULATIONS:

( ) not likely
( ) not appropriate
(x) have been proposed as to:
- (x) chain of custody
- (x) chemist's reports
- (x) prior felony conviction
- (x) interstate nexus of firearm
- ( ) other: _____

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit Lists:
Government: August 29, 2025
Defense: August 29, 2025
Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: August 29, 2025
Jury instructions must comply with Local Rule 51.1

Motions in Limine: August 29, 2025

TRIAL SETTING: Criminal jury trial docket commencing September 15, 2025

Please note: *The Government requests the first week of the docket due to witness unavailability September 24-26, 2025. Defense counsel joins in this request.*

OTHER:

( ) A _____-speaking interpreter is required.

( ) Other assistive devices: _____

IT IS SO ORDERED.

/s/ Jill A. Morris
JILL A. MORRIS
United States Magistrate Judge