

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

Case No. 1:04-CR-165

vs.

Hon. Robert Holmes Bell
Chief District Judge

WESLEY MYRON BOSS,

Defendant

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**DEFENDANT'S MOTION TO STRIKE
SENTENCING FACTORS FROM THE INDICTMENT**

NOW COMES the defendant, Wesley Myron Boss, by and through his attorney,
Lawrence J. Phelan, and respectfully asks this Court to strike the sentencing factors from the
indictment on constitutional grounds. The reasons which support this Motion are set forth in the
attached Memorandum in Support.

Respectfully submitted,

Grand Rapids, MI
November 24, 2004

/S/

Lawrence J. Phelan (P37493)
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