

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-CR-151

RUBEN NMI ORTIZ, JR.,
ALEJANDRO NMI LOPEZ,
FRANCISCO NMI MARTINEZ,
HECTOR M. GOMEZ-SALAS,
OSCAR NMI ALONSO,
GABIEL Y. BONILLA,
CEDRIC D. COHEN,
TERRY A. JOHNSON,
RICHARD D. GUYETTE,
JAMES H. PARKINSON and
STEPHANIE M. ORTIZ,

Defendants.

MOTION FOR COMPLEX CASE DESIGNATION

The United States, by United States Attorney Matthew D. Krueger and Assistant United States Attorney William J. Roach, hereby moves that this matter be designated a complex case. Counsel makes this request pursuant to Criminal Local Rule 12(a)(1), FED. R. CRIM. P. 12(c), and FED. R. CRIM. P. 17.1 and Title 18, United States Code, Sections 3161(h)(7)(A) and 3151(h)(7)(B).

As grounds, counsel submit the following:

1. The defendants in this matter have been charged in one or more counts contained in a Superseding Indictment returned on September 10, 2019, which alleges violations of (a) federal drug laws, including conspiracy to distribute and possess with intent to distribute controlled substances, and possession with intent to distribute controlled substances (21 U.S.C. §§ 841 and 846); (b) possession with intent to distribute controlled substances on certain specified dates; (c) money laundering (18 U.S.C. § 1956); and (d) possession of a firearm in furtherance of a drug trafficking offense (18 U.S.C. § 924(c)).

2. Between September 12, 2019, and November 1, 2019, the defendants are scheduled to appear before United States Magistrate Judge James R. Sickel for an arraignment. It is anticipated that not guilty pleas will be entered.

3. The current scheduling order provides that motions in this case are due by October 4, 2019. The final pretrial conference is currently scheduled for November 20, 2019, and trial is scheduled for the week of December 2, 2019.

4. The government has provided or will soon provide discovery materials to defense counsel. The discovery materials consist of tens of thousands of pages of police reports, accompanied orders, cell phone records, and (Facebook) social media records. It also includes surveillance videos and audio recordings. Law enforcement intercepted cellular communications over the course of thirty days thus generating in excess of one hundred pertinent conversations. Approximately 18 search warrants were executed and 30 defendants were arrested in June 2019.

5. Criminal Local Rule 12(a)(1) states that a case may be considered unusually complex for a variety of reasons, including the volume of discovery materials or other factors peculiar to the case. It is the position of the parties that this case should qualify as complex due to the large volume of discovery materials already produced, and also due to other factors peculiar to the case.

6. The volume of materials, noted in Paragraph 4, above is substantial and voluminous. It includes wiretap orders authorizing the intercept of pertinent phone calls from two cell phones possessed by a conspiracy member, as well as a Facebook message wiretap intercept. Law enforcement have designated well in excess of one hundred phone calls as being drug pertinent. Numerous items of evidence, including cell phones seized from conspiracy members, are still being analyzed by law enforcement. Another factor unique to this case includes the long term nature of this investigation that dates back in excess of five years.

7. The parties are aware that a pretrial scheduling conference as contemplated by the Local Rules and the Federal Rules of Criminal Procedure would result in new dates for the filing of motions. Therefore, the parties jointly submit that the discovery is so voluminous that it would be unreasonable to expect adequate preparation for pretrial proceedings and the trial itself within the time limits established under Title 18, United States Code, Section 3161. As a result, the parties jointly request that this Court designate this case as complex. Further, the parties agree and request that the currently

scheduled final pretrial conference and trial dates be taken off the calendar and rescheduled at a later date.

8. The government is authorized to file this joint request by the undersigned and counsel for seven of the defendants. The remaining four attorneys have not stated an objection to the government but have not otherwise responded, likely due to their recent appointment to the case and inability to address this motion with their respective defendant.

THEREFORE, on behalf of the parties, counsel respectfully request that this case be designated complex, that a pretrial scheduling conference be held, and that the currently scheduled motion, pretrial conference, and trial dates be taken off the calendar and rescheduled at a later date.

Dated at Green Bay, Wisconsin, this 24th day of September, 2019.

Respectfully submitted,

MATTHEW D. KRUEGER
United States Attorney

By:

s/William J. Roach
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