

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

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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.

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MOTION TO ADJOURN FINAL PRETRIAL AND TRIAL

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The United States, by United States Attorney Matthew D. Krueger and Assistant United States Attorney William J. Roach, hereby requests the Court adjourn the final pretrial and trial in the above case and reschedule the matter for trial in August 2020. The government requests the Court convert the final pretrial scheduled for May 29, 2020, to a counsel only telephone status conference.

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 the following: (a) 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 appeared before United States Magistrate Judge James R. Sickel for an arraignment. All entered not guilty pleas to the alleged charge(s). The case was designated complex and is currently scheduled for final pretrial conference on May 29, 2020, and jury trial on June 15, 2020.
3. The government respectfully requests the final pretrial be converted to a counsel only telephone conference status hearing. The government further requests that a final pretrial hearing and jury trial date be scheduled in August 2020.
4. In support, the government states that this adjournment is necessary as defendant Francisco Martinez has filed suppression motions that require an evidentiary hearing, currently scheduled for May 28, 2020. Those motions have been previously given the General Order Regarding COVID-19 Virus Public Emergency (General Order No 20-9) closing federal courts and barring in-person hearings until June 1, 2020. Travel restrictions in place due to COVID-

19 have also precluded witness travel further delaying the Martinez motion hearings from taking place. Those motions are currently scheduled for May 28, 2020, but an adjournment request has recently been filed due to the above referenced General Order. If granted, that motion hearing would not likely take place until mid to late June at best. Of course, pending motions requiring an evidentiary hearing constitute excluded time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1) and (h)(7).

5. As to all defendants, the government asserts that it continues with potential plea negotiations that have been slowed, upon information and belief, by the ability of counsel to meet with their respective client to discuss the case. Some defendants have had challenges, given the Covid-19 safety concerns, reviewing the discovery materials in their respective detention facility. For the same reasons, the government as well, has encountered challenges arranging with law enforcement to conduct further witness interviews and investigation of this matter. Finally, for those defendants potentially proceeding to trial, the government has been unable to present further evidence to the grand jury in support of additional charges. The grand jury is not expected to convene until at least early June and very possibly could be adjourned further into mid or late June.

6. The government has contacted counsel for the above defendants about this request and can advise that there is no opposition to this request.

7. For these reasons, the government respectfully requests the Court adjourn the final pretrial and jury trial and reschedule for proceedings in August 2020. Additionally, the

government requests the Court find the delay is excludable under the Speedy Trial Act for the reasons stated.

Dated at Green Bay, Wisconsin, this 19th day of May, 2020.

Respectfully submitted,

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United States Attorney

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