

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 at a time to be determined no earlier than January 2021. The government requests the Court convert the final pretrial scheduled for October 2, 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 October 2, 2020, and jury trial on October 19, 2020. The case was previously scheduled for trial on June 15, 2020, which was adjourned based upon the motion by the government and agreement of the parties.

3. The government requests that a final pretrial hearing and jury trial date be scheduled no earlier than January 2021. The government further requests the final pretrial be converted to a counsel only telephone conference status hearing to set those dates.

4. In support, the government states that this adjournment is necessary as defendant Francisco Martinez filed suppression motions that recently resulted in an evidentiary hearing. The Court ordered both the government and the defense to file briefs in support of their

argument. The government has filed its brief and it is anticipated the defense will do so in the near future.

5. Defendant Martinez has advised he will proceed to trial. If so, the government intends on seeking a Second Superseding Indictment adding additional charges against Martinez- some of which may pertain to facts surrounding the traffic stops by law enforcement which are the subject of the above described motions. Of course, the Court's decision on the motions may impact the additional charges filed and evidence presented in support of them.

6. Defendant Bonilla has also advised he will be proceeding to trial. The government has advised counsel on his behalf that additional charges are also expected to be filed against him. The law enforcement investigation included numerous controlled buys of heroin from Bonilla that are not currently charged. The heroin obtained from Bonilla has been at the DEA crime lab for testing and a lab report is not expected until past the currently scheduled trial date. An adjournment of the trial date in his case is warranted as additional investigation has and will continue to occur in support the presentation of new charges to the grand jury.

7. Defendant Ruben Ortiz has recently obtained new counsel, Attorney John Schiro. Given the volume of discovery, Attorney Schiro would not be in a position prior to an October trial to either proceed to trial or competently advise Ruben Ortiz as to the merits of a plea agreement.

8. As to the remaining defendants, the government asserts that it continues to pursue potential plea negotiations that have been slowed in part 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. Other defendants have been moved to facilities where it is difficult for their attorney to meet with them. For the same reasons, the government as well, has encountered challenges arranging with law enforcement to conduct further witness interviews and continue investigation of this matter.

9. The government has contacted counsel for the above defendants about this request and can advise that there is no opposition to this request. Defense counsel intending on proceeding to trial advise that other scheduled matters preclude them from agreeing to a trial date until sometime in February 2021.

10. 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 18th day of September, 2020.

Respectfully submitted,

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United States Attorney

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