

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Edward W. Nottingham

Nel Steffens, Deputy Clerk
Therese Lindblom, Court Reporter
Adriana Weisz and Susanna Cahill,
Interpreters

Date: August 17, 2007

Criminal Action No. 07-cr-00172-EWN

Parties:

UNITED STATES OF AMERICA,

Plaintiff,

Counsel:

Kathleen Tafoya, Michele Korver, and Susan
Knox

v.

2. CAMEO BANKS,
3. MARVIN BRAGG,
4. DAMON BROOKS,
5. VICTOR CHAVEZ,
8. EDGAR DIAZ-CALDERON,
9. EUSTACIA DIAZ-CALDERON,
10. PHILIP DOUGLAS,
11. DANIEL HARRIS,
14. BAYLIN KYLE,
16. CHARLES LITTLEJOHN,
17. RUSTY MARTINEZ,
19. COURTNEY McCOY,
20. TERESA MOSLEY,
25. GREGORIO CASILLAS,
26. KENNY HARRIS,

Kerry Hada
Jeralyn Merritt
Daniel Smith
Robert Berger
Harvey Steinberg
Daniel Carr
Vincent Horn
Daniel Sears
Frank Moya
Wade Eldridge
Thomas Blumenthal
Martha Eskesen
Sean McDermott
Joseph Saint-Veltri
Peter Menges for Thomas Ward

Defendants.

Criminal Action No. 07-cr-00175-LTB

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UNITED STATES OF AMERICA,

Kathleen Tafoya, Guy till, Michele Korver,
and Susan Knox

Plaintiff,

v.

1. ANDRE STANLEY,

Neil MacFarlane

Defendant.

Criminal Action No. 07-cr-00182-REB

UNITED STATES OF AMERICA,

Guy Till, Judith Smith, Kathleen Tafoya and
Michele Korver

Plaintiff,

v.

1. AISHA DENISE BAKER,
2. BRICE E. HANNS,
3. KENNY K. HARRIS,
4. MERCURY JAMES SPRINGS,

Scott Poland
Nathan Chambers
Peter Menges for Thomas Ward
Robert McAlister

Defendants.

Criminal Action No. 07-cr-00183-REB

UNITED STATES OF AMERICA,

Gregory Rhodes , Guy Till, and Kathleen
Tafoya

Plaintiff,

v.

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|----------------------------------|------------------------------|
| 1. CAMEO BANKS, | Kerry Hada |
| 2. APRIL BURKE, | Stephen Wheeler |
| 3. DONAE BUTLER, | M. David Lindsey |
| 4. LATHA GRANT, | Boston Stanton |
| 5. DERRICK JEREMY GRIFFIE, JR., | Ronald Gainor |
| 6. ULISES GUTIERREZ-NUNEZ, | Normando Pacheco |
| 9. BAYLIN KYLE, | Frank Moya |
| 10. CHARLES LITTLEJOHN, | Wade Eldridge |
| 12. MIESHA MAN, | Scott Jurdem |
| 13. ADRIANA MENDOZA-CASTELLANOS, | Darren Cantor |
| 14. SEAN O'HARE, | Frances Simonet |
| 15. KENNY HARRIS, | Peter Menges for Thomas Ward |

Defendants.

Criminal Action No. 07-cr-00184-WYD

UNITED STATES OF AMERICA,

Guy Till, Kathleen Tafoya ,and Susan Knox

Plaintiff,

v.

- | | |
|-----------------------------|------------------------------------|
| 1. DAMON BROOKS, | Daniel Smith |
| 2. HAVEN BREWER, | Lisa Moses |
| 3. VERNON EDWARDS, | Martin Stuart for Anthony Viorst |
| 4. BRIAN HICKS, | Walter Gerash and Jonathan Willett |
| 5. BENJAMIN CORNELL THOMAS, | Martin Stuart |
| 6. GERARDO TORIBIO, | Joseph Saint-Veltri |
| 7. DAMIAN TURNER, | Ryan Crane for John Tatum |
| 9. MALCOLM WATSON, | Peter Menges |
| 10. WILLIE DEWAYNE CLARK | Alaurice Tafoya-Modi |

Defendants.

Criminal Action No. 07-cr-00185-EWN

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UNITED STATES OF AMERICA,

Kathleen Tafoya, Guy Till, and Michele
Korver

Plaintiff,

v.

1. DANTE BUTLER,
2. DONAE BUTLER,
3. LYDIA CAMPOS,
4. CHARLES CASTENEDA,

Mitchell Baker
M. David Lindsey
Scott Reisch
Paul Grant

Defendants.

Criminal Action No. 07-cr-00187-WYD

UNITED STATES OF AMERICA,

Guy Till, Kathleen Tafoya, Susan Knox, and
Michele Korver

Plaintiff,

v.

1. REGINALD FISHER,

Peter Bornstein

Defendant.

Criminal Action No. 07-cr-00188-WDM

UNITED STATES OF AMERICA,

Kathleen Tafoya

Plaintiff,

v.

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|-------------------------------|---------------------------------------|
| 1. JOSE AVENDANO, | Jim Castle for Lisabeth Castle |
| 2. ALEJANDRO CAMACHO-LEVARIO, | Adam Tucker |
| 3. LUIS CAMACHO-LEVARIO, | Kathleen Smith |
| 4. ANTHONY CORDOVA, | John Sullivan |
| 6. ARIEL FRAIRE, | Bruce Brown |
| 7. DAVID GARCIA, | Michael Meyrick |
| 8. HEATHER GRIMES, | John Sullivan for Marc Milavitz |
| 11. ROBERTO LOPEZ, | Andrew Reid for Gary Hill |
| 12. JOSE MUNOZ, | Walter Gerash |
| 13. LUIS MURO-MUNOZ, | Brandon Marinoff |
| 14. GERARDO TORIBIO, | Joseph Saint-Veltri |
| 15. VERONICA TYREE, | Kenneth del Valle |
| 16. BRUNO R. TYREE, | Kenneth del Valle for Thomas Goodreid |

Defendants.

COURTROOM MINUTES

Status Conference/Motions Hearing

2:04 p.m. Court in session.

Interpreters sworn.

Appearances of counsel. Waived appearances:

<u>Defendants:</u>		<u>Counsel:</u>	
07-cr-00172-EWN	3. Marvin Bragg	07-cr-00172-EWN	Thomas Blumenthal
	4. Damon Brooks	07-cr-00182-REB	Scott Poland
	5. Victor Chavez	07-cr-00184-WYD	Lisa Moses
	11. Daniel Harris		
	17. Rusty Martinez		
07-cr-00175-LTB	Andre Stanley		
07-cr-00182-REB	1. Aisha Denise Baker		
07-cr-00183-REB	13. Adriana Mendoza-Castellanos		
07-cr-00184-WYD	2. Haven Brewer		

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07-cr-00188-WDM 3. Vernon Edwards
 8. Heather Grimes
 11. Roberto Lopez

Robert McAlister, counsel for Defendant Springs in 07-cr-00182-REB, and Peter Bornstein, counsel for Defendant Fisher in 07-cr-00187-WYD, are not present.

Discussion regarding wiretap extension motions.

ORDERED: 1. Deadlines set for motions/responses in status conference of June 22, 2007, are vacated.

Discussion regarding four corners motions.

Ms. Tafoya addresses Jencks material and discovery.

Further discussion regarding extended deadlines for four corners and execution motions; discussion regarding Franks motions.

Further argument by Mr. Sears, Mr. Smith, Ms. Merritt, Mr. Castle, Mr. Hada, and Ms. Eskesen for extension of four corner motions deadline beyond court's proposed date of September 10, 2007.

ORDERED: 2. Case No. 07-cr-00172-EWN: Defendant Bragg's Motion for Three Day Extension of Time to File Wiretap Motions (#456, filed August 9, 2007) is GRANTED in accordance with deadlines set today in open court.

ORDERED: 3. Case No. 07-cr-00172-EWN: Defendant Diaz-Calderon's Unopposed Motion for Extension of Thirty Days by Which to File Wiretap Motion (#474, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.

ORDERED: 4. Case No. 07-cr-00172-EWN: Defendant McCoy's Unopposed Motion for Extension of Time to File Wiretap Suppression Motion Limited to "Four Corners" Analysis (#454, filed August 9, 2007) is GRANTED in accordance with deadlines set today in open court.

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- ORDERED: 5.** Case No. 07-cr-00172-EWN: Defendant Mosley’s Unopposed Motion for an Extension of Time to File “Four Corners” Suppression Motion (#455, filed August 9, 2007) is GRANTED in accordance with deadlines set today in open court.
- ORDERED: 6.** Case No. 07-cr-00172-EWN: Defendant Mosley’s Second Motion for a Brief Extension of Time to File “Four Corners” Suppression Motion (#525, filed August 17, 2007) is GRANTED in accordance with deadlines set today in open court.
- ORDERED: 7.** Case No. 07-cr-00172-EWN: Defendant Casillas’ Motion for Seven Day Extension of Time Within Which to File Wiretap Motions (Four Corner Issues) (#461, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.
- ORDERED: 8.** Case No. 07-cr-00183-REB: Defendant Mendoza-Castellanos’ Unopposed Motion to Extend Deadline for Filing “Four-Corners” Motions Regarding Wiretap Interceptions (#256, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.
- ORDERED: 9.** Case No. 07-cr-00183-REB: Defendant Mendoza-Castellanos’ Motion to Permit Delayed Filing of “Four-Corners” Motions Regarding Wiretap Interceptions (#271, filed August 14, 2007) is GRANTED in accordance with deadlines set today in open court.
- ORDERED: 10.** Case No. 07-cr-00184-WYD: Defendant Edwards’ Motion for 14-Day Extension of Time to File Four Corners Wiretap Motions (#190, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.
- ORDERED: 11.** Case No. 07-cr-00184-WYD: Defendant Hicks’ Motion for Twenty-Day Extension of Time to File (Four Corner Issues) Wiretap Motion (#189, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.
- ORDERED: 12.** Case No. 07-cr-00184-WYD: Defendant Hicks’ Motion for a Seven Day Extension of Time Within Which to File the “Four Corners”

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Wiretap Suppression Motion (#191, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.

ORDERED: 13. Case No. 07-cr-00184-WYD: Defendant Toribio's Motion for Seven Day Extension of Time Within Which to File Wiretap Motions (Four Corner Issues) (#188, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.

ORDERED: 14. Case No. 07-cr-00184-WYD: Defendant Watson's Motion for Additional Time to Join or File "4-Corners" Wire Tap Motions (#197, filed August 15, 2007) is GRANTED in accordance with deadlines set today in open court.

ORDERED: 15. Case No. 07-cr-00184-WYD: Defendant Clark's Motion for Additional Time to File Four Corners Wiretap Motion (#186, filed August 9, 2007) is GRANTED in accordance with deadlines set today in open court.

ORDERED: 16. Case No. 07-cr-00185-EWN: Defendant Castaneda's Unopposed Motion for Extension of Time to File "4 Corners" Wiretap Motion (#94, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.

ORDERED: 17. Case No. 07-cr-00188-WDM: Defendant Camacho-Levario's Unopposed Motion for Extension of Thirty Days by Which to File Wiretap Motion (#263, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.

ORDERED: 18. Case No. 07-cr-00188-WDM: Defendant Fraire's Motion to Extend Time for Filing of Wiretap Motions (Unopposed) (#259, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.

ORDERED: 19. Case No. 07-cr-00188-WDM: Motion by Defendant Jose Munoz to Allow Twenty-day Extension of Time to File (Four Corner Issues) Wiretap Motion (#261, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.

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ORDERED: 20. Case No. 07-cr-00188-WDM: Defendant Toribio's Motion for Seven Day Extension of Time Within Which to File Wiretap Motions (Four Corners Issues) (#256, filed August 10, 2007) is GRANTED in accordance with deadlines set today in open court.

ORDERED: 21. Case No. 07-cr-00188-WDM: Defendant Toribio's Motion to Extend Time Within Which to File Four Corners Motions (#281, filed August 17, 2007) is GRANTED in accordance with deadlines set today in open court.

ORDERED: 22. Deadline for filing four corners motions is September 30, 2007. Government's responses are due by October 22, 2007.

ORDERED: 23. Status conference is set for Friday, October 26, 2007, at 2:00 p.m.

ORDERED: 24. Motion for joinder on the four corners motions are due by October 10, 2007.

Discussion regarding Defendant Castaneda's motion for release of wiretap records, #101, in case no. 07-cr-00185-EWN.

ORDERED: 25. Case No. 07-cr-00185-EWN: Defendant Castaneda's Request for Two Orders: (1) an Order to Sprint Nextel That the Company Release and Provide to Defense Counsel Certain Wiretap-related Records and (2) an Order That the Government Disclose Certain Wiretap-related Records (#101, filed August 17, 2007) is DENIED without prejudice to refile, as the court has suggested, under Rule 17(c). A hearing on the matter is set for October 5, 2007, at 3:00 p.m. Any objections by Sprint/Nextel should be filed by September 24, 2007.

Court directs Ms. Tafoya and Mr. Grant to negotiate regarding the subpoena to ensure adequate protection of information used by law enforcement.

Discussion regarding Defendant Casillas' motion for production, #392, in case no. 07-cr-00172-EWN.

ORDERED: 26. Case No. 07-cr-00172-EWN: Defendant Casillas' Motion for Production Pursuant to 18 U.S.C. §3504(a)(1) (#392, filed July 27, 2007) is DENIED as moot.

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Discussion regarding defendants' lack of access to discovery on laptops at detention facilities.
Court will confer with the U.S. Marshal regarding remedy.

2:59 p.m. Court in recess.

3:10 p.m. Court in session.

Court calls case no. 07-cr-00172-EWN regarding pending motion.

Discussion regarding Defendant Cameo Banks' motion to review detention order, #453.

Court states it does not have the authority to direct the U.S. Marshal regarding housing of defendants.

ORDERED: 27. Defendant Cameo Banks' Motion to Review Detention Order and Execution of the Order (#453, filed August 9, 2007) is DENIED.

3:14 p.m. Court in recess.

Hearing concluded.

Total time in court:

Case No. 07-cr-00172-EWN: 00:59

All other cases: 00:55