

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

NO. CR-08-0137-WFN

TRINIDAD RAMOS- GARCIA (7),
ALEJANDRO VIZCARRA-MILLAN (13),
MODESTA RIVAS-PENA (17),
ANA MARIA ZAZUETA-BUENO (18),
JESUS ROGELIA BUENO-FUENTES (22),
SHAWNA LYNN ANDERSON (23),
INES TAMAYO-LOPEZ(24),
a/k/a Carlos Valdez-Rios
TARYN ROBINCOLEMAN (26),
WARNER WILLIAM SLATER (27),
MICHAEL EUGENE MULROY (28),
a/k/a Mike Eugene Mulroy,
DANIEL ALLEN FLAHERTY (29),
JASON MICHAEL MURRY (30),
GEORGE ALBERT FLAHERTY (31),
DONNA MARIE CONSTANTINEAU (32),
CHARLES BRIAN McGEE (33),
SHALISHA LEE BROUH (34),
OLGA MARIA SANDOVAL-ZAZUETA (35),
JESUS GUILLERMO MARTINEZ-BUENO (36),
TODD ANDREW HARPOLE (37),
NICHOLAS JOSEPH KLOEPFEL (39),
DONAVAN JAMES STARK (40),
THOMAS CHARLES COLLUM, Sr. (41),
SONY JOE WIGGINS (42),
CORY JAY ANTON (44).

Defendants.

UNITED STATES OF AMERICA.

Plaintiff.

-VS-

NO. CR-09-0008-WFN-1

JUAN RAMON RUIZ LECHUGA,
a/k/a Ramon Traviso-Ruiz

Defendant

1 A third pretrial conference and motion hearing was held April 13, 2009. Twenty four
2 Defendants in case CR-08-0137-WFN were present and represented as set out in the table¹
3 below.

	Defendant	C	I	Counsel
5	Trinidad Ramos- Garcia (7)	X	Y	Kenneth D. Therrien
6	Alejandro Vizcarra-Millan (13)	X	Y	Scott Etherton
7	Modesta Rivas-Pena (17)	X	Y	Amanda J. Stevens
8	Ana Maria Zazueta-Bueno (18)	X	Y	Gloria Ochoa
9	Jesus Rogelia Bueno-Fuentes (22)	X	Y	Brett A. Purtzer
10	Shawna Lynn Anderson (23)	NO		Terence M. Ryan
11	Ines Tamayo-Lopez (24)	X	Y	Philip E. Nino
12	Taryn Robin Coleman (26)	NO		Bryan P. Whitaker
13	Warner William Slater (27)	X		James M. Parkins
14	Michael Eugene Mulroy (28)	X		Gina M. Costello
15	Daniel Allen Flaherty (29)	X		Joseph Nappi, Jr.
16	Jason Michael Murry (30)	NO		Curran C. Dempsey
17	George Albert Flaherty (31)	NO		Frank L. Cikutovich
18	Donna Marie Constantineau (32)	Y		Bryon G. Powell
19	Charles Brian McGee (33)	NO		Donald A. Kellman
20	Shalisha Lee Brough (34)	NO		John G. Lockwood
21	Olga Maria Sandoval-Zazueta (35)	X	Y	Richard L. Mount
22	Jesus Guillermo Martinez-Bueno (36)	X	Y	Mark E. Vovos
23	Todd Andrew Harpole (37)	X		Jeffrey S. Niesen
24	Nicholas Joseph Kloepfel (39)	X		Chris A. Bugbee
25	Donavan James Stark (40)	X		Thomas E. Cooney, Jr.
26	Thomas Charles Collum, Sr. (41)	X		Aaron L. Lowe

¹ C = In custody; I = assisted by Court appointed interpreter.

	Defendant	C	I	Counsel
2	Sony Joe Wiggins (42)	NO		George P. Trejo, Jr.
3	Cory Jay Anton (44)	NO		Ronald A. Van Wert

4 Court-appointed interpreter Bea Rump assisted Defendants requiring the use of an
5 interpreter; defense counsel Kenneth Therrien, Curran Dempsey, and George Trejo, Jr.
6 appeared telephonically, having received prior permission from the Court; John Nollette was
7 present representing Toby Lee Olson, who is still in state custody; Assistant United States
8 Attorneys Stephanie Van Marter and Earl Hicks represented the Government.

9 Defendant Juan Ramon Ruiz Lechuga (CR-09-008-WFN-1), who is in custody, was
10 also present and represented by Salvador Mendoza, Jr. and assisted by Court-appointed
11 interpreter Bea Rump.

12 The Court confirmed the spelling and correct names of Defendants appearing for
13 the first time before this Court, discussed the status of discovery, addressed
14 pending pretrial motions, including the Motions to Continue the trial date of May 4, 2009,
15 and addressed the proposed trial groupings submitted by the Government. The Government
16 advised that 7,885 pages of discovery have been disclosed to date. The Government
17 anticipates that the next discovery, bringing the total pages to about 9,000, will be disclosed
18 no later than tomorrow.

19 The Court has reviewed the file and motions and is fully informed. This Order is
20 entered to memorialize and supplement the oral rulings of the Court. Accordingly,

21 **IT IS ORDERED** that:

22 1. All references to court record numbers in this Order refer to case CR-08-0137-
23 WFN unless otherwise noted.

24 2. Defendant (41) Thomas Curtis Collum Sr.'s Pro Se Motion to Appoint Counsel,
25 filed February 20, 2009, **Ct. Rec. 993**, is **DENIED AS MOOT**. Attorney Aaron Lowe has
26 filed a notice of appearance as retained counsel for Mr. Collum (Ct. Rec. 1062).

3. Counsel are reminded **NOT TO FILE DUPLICATIVE MOTIONS**. Once a co-Defendant files a motion, all Defendants have joined in the motion unless they file a notice opting out.

4. Defendant Juan Lechuga's Motion to Join in Pretrial Motions, filed April 8, 2009,
CR-09-0008-WFN-1 Ct. Rec. 48, is **GRANTED**.

DISCOVERY

5. Defendant (22) Jesus Rogelia Bueno-Fuentes' Request for Discovery, filed March 2, 2009, **Ct. Rec. 1014** and Defendant (41) Thomas Curtis Collum's Pro Se Motion to Compel Discovery, filed March 5, 2009, **Ct. Rec. 1027**, are **DENIED AS MOOT**. Counsel have received all available discovery.

6. Defendant (41) Thomas Charles Collum, Sr.'s Pro Se Motion for Production of Grand Jury Transcripts, filed February 20, 2009, **Ct. Rec. 990**, is **DENIED AS MOOT**. The Court has already granted this request and the transcripts will be prepared and provided two weeks before trial.

TRIAL GROUPINGS

7. The Court accepts the United States' Amended Proposed Grouping of Defendants, filed April 2, 2009, Ct. Rec. 1094. See Paragraph 12 below which sets forth the three trial groups.

8. Defendant (24) Ines Tamayo-Lopez' Objection to the Grouping, filed April 4, 2009, **Ct. Rec. 1096**, and Defendant (18) Ana Maria Zazueta Bueno's Objection to the Grouping , filed April 8, 2009, **Ct. Rec. 1104**, are DENIED with a right to renew, once all discovery is available.

9. Defendant (36) Jesus Guillermo Martinez-Bueno's Motion to Sever, filed December 22, 2008, **Ct. Rec. 788**, is **DENIED with a right to renew** when all discovery is available and the motion can identify the specific reasons for severance.

CONTINUANCE

10. Defendant (7) Trinidad Ramos-Garcia's Motion for an Extension of Time to File Pretrial Motions and to Continue Pretrial and Trial Dates, filed March 20, 2009, **Ct. Rec. 1071**; Defendant (40) Donavan James Stark's Notice to Join in Ct. Rec. 1071, filed March 20, 2009, **Ct. Rec. 1075**; and Defendant (32) Donna Marie Constantineau's Motion to Join in Ct. Rec. 1071 and 1075, filed March 25, 2009, **Ct. Rec. 1083** are **GRANTED**.

This case has been found to be a complex case based upon the number of defendants, the number of counts, and the large volume of discovery pursuant to 18 U.S.C. § 3161(h)(7) (B)(ii). The Court also finds that the ends of justice served by the granting of a continuance of the trial in this matter outweigh the best interests of the public and the Defendants in a speedy trial. A trial date of May 4, 2009 would unreasonably deny defense counsel adequate time to review discovery, prepare for trial and provide effective assistance of counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A).

11. The trial date of May 4, 2009, is **STRICKEN** and **RESET** to the dates set forth in Paragraph 12 below as to the listed Defendant, at 1:00 p.m., in Spokane, Washington.

12. All time from the trial date of May 4, 2009, to the new trial dates in Paragraph 12 as to the listed Defendant, is **EXCLUDED** for speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(6) and (7)(A) as to all Defendants. Waivers of speedy trial rights were signed by all Defendants, except Defendant (41) Thomas Charles Collum, Sr.

13. The final pretrial conference of May 4, 2009, is **STRICKEN** and **RESET** to the trial dates in Paragraph 12 as to the listed Defendants, at 10:00 a.m., in Spokane, Washington.

14. The trial groupings and trial dates appear in the following table.

<u>TRIAL GROUP I: TRIAL DATE JUNE 22, 2009</u>			
No.	Name	No.	Name
7	Trinidad Ramos-Garcia	28	Michael Eugene Mulroy
13	Alejandro Vizcarra-Millan	32	Donna Marie Constantineau
17	Modesta Rivas-Pena	33	Charles Brian McGee
18	Ana Maria Zazueta-Bueno	35	Olga Maria Sandoval-Zazueta
22	Jesus Rogelia Bueno-Fuentes	38	Kasey Case

<u>TRIAL GROUP II: TRIAL DATE JULY 6, 2009</u>			
No.	Defendant Name	No.	Name
26	Taryn Robin Coleman	37	Todd Andrew Harpole
27	Warner William Slater	40	Donavan James Stark
29	Daniel Allen Flaherty	41	Thomas Charles Collum, Sr.
30	Jason Michael Murry	42	Sony Joe Wiggins
31	George Albert Flaherty	44	Cory Jay Anton
34	Shalisha Lee Brough		

<u>TRIAL GROUP III: TRIAL DATE JULY 20, 2009</u>			
No.	Defendant Name		
23	Shawna Lynn Anderson		
24	Inez Tayamo-Lopez		
36	Jesus Guillermo Martinez-Bueno		
39	Nicholas Joseph Kloepfel		
09cr08-1	Juan Ramon Ruiz Lechuga		

15. Trial briefs, motions in limine, requested voir dire, witness and exhibit lists, and a set of proposed **JOINT JURY INSTRUCTIONS** shall be filed and served on or before **June 8, 2009 for Trial Group I; June 22, 2009 for Trial Group II, and July 6, 2009 for Trial Group III.**

1 Jury instructions should only address issues that are unique to this case, and shall
2 include instructions regarding the elements of each claim, any necessary definitions and a
3 proposed verdict form.

4 The Joint Proposed Jury Instructions shall include:

5 (a) The instructions on which the parties agree; and

6 (b) Copies of instructions that are disputed (i.e., a copy of each party's proposed
7 version of an instruction upon which they do not agree). All jury instructions from the most
8 current edition of the Ninth Circuit Manual of Model Jury Instructions may be proposed by
9 number. The submission of the Joint Proposed Jury Instructions will satisfy the requirements
10 of LR 51.1(c).

11 Each party shall address any objections they have to instructions proposed by
12 any other party in a memorandum. The parties shall identify the specific portion of any
13 proposed instruction to which they object and shall elaborate the basis for the objection.
14 Objections asserting that an instruction sets forth an incorrect statement of law shall describe
15 the legal authority that supports this objection. Failure to file an objection and supporting
16 argument may be construed as consent to the adoption of an instruction proposed by another
17 party.

18 16. Indigent Defendants' requests for issuance of subpoenas and payment of costs and
19 fees for trial witnesses shall be filed no later than ten (10) days before trial, excluding
20 weekends and holidays.

21 17. A fourth pretrial conference and motion hearing shall be held **June 4, 2009, at**
22 **10:00 a.m., in Spokane, Washington.**

23 (a) All additional motions shall be filed and served no later than **May 18, 2009.**

24 (b) Responses shall be filed and served no later than **May 26, 2009.**

25 18. **Excludable Time:** All time from the filing of the Defendant's Motions, on the
26 dates noted in the following table, to the date of the hearing on April 13, 2009, is

1 **EXCLUDED** for speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(1)(D) as to the
2 listed Defendants.

3 4 Defendant's Name (Number)	5 6 Motion's Name (Ct. Rec. Number)	7 8 Motion Filing Date	9 10 Defendant Number to Whom Time Is Excluded
Jesus Rogelia Bueno-Fuentes (22)	Request for Discovery (1014)	03/02/09	7, 13, 17, 18, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 44
Jesus Guillermo Martinez-Bueno (36)	Motion to Sever (788)	12/22/08	36
Juan Ramon Ruiz Lechuga	Motion to Join (48 in CR-09-008-WFN)	04/08/09	Juan Ramon Ruiz Lechuga CR-09-008-WFN

12
13 The District Court Executive is directed to file this Order and provide copies to
14 counsel.

15 **DATED** this 13th of April, 2009.

16
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04-13

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE