

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 11-40044-01/16-RDR

DEMETRIO QUESADA, et al.,

Defendants.

O R D E R

This case is before the court upon three motions to extend time to file pretrial motions. Doc. Nos. 172, 183 and 188. These motions are unopposed by the government.

There are fifteen defendants in this case. They are charged with conspiracy to distribute methamphetamine. The original deadline for filing pretrial motions was on or about June 30, 2011 for most of the defendants in this case. That deadline was extended to September 16, 2011 in an order which designated this as a complex case and noted that:

this case is the result of investigations involving more than 50 other defendants. The investigations spanned approximately 19 months and involved multiple wiretap orders and other orders for the collection of electronic information or communication. There were approximately 30 search warrants executed in connection with these investigations. The government estimates that the discovery to be disclosed in this case will exceed 50,000 pages and involve hundreds of hours of audio recordings.

Doc. No. 59 at p. 3. The court also stated that as of that date, June 28, 2011, the discovery had not yet been shared with counsel.

The order further noted that some defendants had not yet appeared in this court on the charges in this case.

On September 20, 2011, the court granted a second extension of time to file pretrial motions. Doc. No. 149. The deadline was moved to October 21, 2011. This order was issued in response to motions from eight defendants. The motions noted that discovery was voluminous and that some additional discovery had only recently been served upon counsel. Also, some defendants had only recently appeared in Kansas to defend the charges against them.

The following defendants have filed motions to extend time past October 21, 2011 to file pretrial motions: Demetrio Quesada (Doc. No. 172); Alberto Verasa-Barron (Doc. No. 188); and Silvestre Palomino-Tinoco (Doc. No. 183). No objections from other defendants have been filed to these motions. Each of the motions asks for a 60-day extension of time.

Defendant Quesada's motion states that more time is needed to prepare because counsel would soon receive 15 to 20 thousand pages of additional discovery.¹ Defendant Verasa-Barron's motion states that this defendant made his first appearance in Kansas on August 25, 2011 and that, approximately ten days ago, his counsel received additional discovery from the government which was supposed to be relevant to the case against Verasa-Barron. His counsel states that he needs additional time for preparation. Defendant Palomino-

¹Defendant Quesada's motion was filed on October 7, 2011.

Tinoco also made his first appearance in Kansas on August 25, 2011. His counsel states that he needs more time to review discovery and visit with his client. The motion notes that his counsel must travel from Wichita to Leavenworth, Kansas to see defendant Palomino-Tinoco.

The court has previously reviewed the factors the court should consider before determining whether an extension of time is in the interests of justice for the purposes of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7). Doc. No. 59 at pp. 2-4. Upon careful review of these factors and the motions themselves, the court has decided to extend the pretrial motions deadline for all defendants to December 20, 2011. This is a complex case with a very large amount of discovery which has recently been supplemented. There are a large number of defendants in this matter, and two of the defendants who have asked for additional time have had a relatively late start in the case. The court is convinced that more time is needed for counsel to be adequately prepared to effectively represent their clients.

The government shall have time until January 3, 2012 to respond to defendants' motions. The court shall conduct a hearing upon the motions on January 12, 2012 at 9:30 a.m. The court finds that this extension of time is in the interests of justice pursuant to 18 U.S.C. § 3161(h)(7).

IT IS THEREFORE ORDERED that defendants' motions for extension

of time (Doc. Nos. 172, 183, and 188) are granted and this case shall proceed upon the above-announced schedule. The continuance granted by this motion shall be considered excludable time for the purposes of the Speedy Trial Act.

IT IS SO ORDERED.

Dated this 26th day of October, 2011 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge