

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	10-00320-01/11-13/18-CR-W-DGK
JUAN MARRON,	)	
DAVID HERNANDEZ-MONTOYA,	)	
MARIO MARRON,	)	
PETER FLORES,	)	
ROBERT OLVERA	)	
ANTHONY ALVAREZ,	)	
BENITO GUTIERREZ,	)	
JOHN GASCA, JR.,	)	
JASON RICHARDSON,	)	
MARCO MURSIA,	)	
ARMANDO MENDEZ,	)	
MARIA MARRON,	)	
RAFAEL ZAMORA,	)	
JOSEPH LOPEZ,	)	
FRANK ALVAREZ,	)	
GILBERT LUPERCIO,	)	
MARGOT DAVIDSON,	)	
	)	
Defendants.	)	

ORDER CONTINUING CURRENT TRIAL SETTING

Before the court is a motion to continue filed by defendant Juan Marron. In support of the motion, defendant states in part as follows:

3. On December 15, 2010, counsel received discovery in this case. That discovery consists of one disc containing 430 pages of law enforcement reports. There are two discs containing 24,000 intercepted phone calls and text messages from the three wiretaps in this case. Those discs also contain transcripts of some, but not all of the intercepted phone calls. Some of the phone calls are in Spanish and an interpretator [sic] is needed to translate those calls. Finally, there are 23 discs of recordings, pictures and other information relating to this case. Missing from the discovery are any documents pertaining to the three wiretaps including the affidavits, orders and the reports. Counsel has discussed the discovery with AUSA Bruce Rhodes, and he has stated this wiretap information, along with some additional arrest reports is forthcoming.

4. Due to the voluminous number of intercepted telephone calls, counsel needs additional time to listen to these calls and review all the discovery in this case. Counsel also needs time to review all the wiretap documents when they are produced. Because of the nature and amount of discovery in this case, a trial setting in January 2010 is not feasible.

5. Counsel sent an e-mail to all attorneys of record in this case trying to get a consensus on when this case could be ready for trial. Counsel for the following defendants responded to that e-mail and the consensus is a trial setting in September, 2011:

David Hernandez-Montoya;  
Mario Marron,  
Robert Joseph Olvera,  
Benito Castillo Gutierrez,  
John Gasca, Jr.,  
Jason Richardson,  
Armando Mendez,  
Rafael Zamora,  
Joseph Michael Lopez,  
Frank Michael Alvarez,  
Margot Charlene Davidson

In addition, AUSA Bruce Rhodes was contacted and has no objection to a September 2011, trial setting.

I contacted counsel for the remaining defendants; all indicated no objection to a September 12, 2011, trial setting.

The Speedy Trial Act of 1974, as amended, mandates the commencement of the trial of a defendant within 70 days from the defendant's first appearance before a judicial officer of the court in which the charge is pending. In computing the 70-day time period, the periods of delay set forth in 18 U.S.C. § 3161(h) are to be excluded. Any period of delay resulting from a continuance granted at the request of a defendant is excludable if the court finds the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial, provided the court sets forth the reason for such finding.

In light of the circumstances described above, I find that the ends of justice served by removing this criminal action from the joint criminal jury trial docket which will commence

January 10, 2011, and continuing the trial until the joint criminal jury trial docket which will commence September 12, 2011, outweigh the best interest of the public and the defendants in a speedy trial.

In accordance with § 3161(h)(7)(C), congestion of the court's calendar was not considered in deciding to remove this case from the joint criminal jury trial docket which will commence January 10, 2011.

In light of the circumstances described above, it is

**ORDERED** that this criminal action is removed from the joint criminal jury trial docket which will commence January 10, 2011. It is further

**ORDERED** that this criminal action is set for trial on the joint criminal jury trial docket which will commence September 12, 2011. It is further

**ORDERED** that the pretrial conference set for December 29, 2010, is continued pending further order of the court. It is further

**ORDERED** that, pursuant to 18 U.S.C. § 3161(h)(7), the time between the date of this order and September 12, 2011, shall be excluded in computing the time within which the trial of this criminal action must commence.

/s/ Robert E. Larsen  
**ROBERT E. LARSEN**  
United States Magistrate Judge

Kansas City, Missouri  
December 22, 2010