

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

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.) Case No. 10-00320-CR-DGK
)
ARMANDO MENDEZ)
Defendant.)

MOTION TO EXTEND PRETRIAL MOTIONS DEADLINE

COMES now defendant Armando Mendez by and through his counsel and respectfully requests this Court issue an order extending the deadline to file pretrial motions from February 28, 2011 to May 1, 2011.

SUGGESTIONS IN SUPPORT

1. On November 18, 2010 a two count Indictment was filed against multiple Defendants including Defendant Mendez. Defendant Mendez is charged in Count One, with Conspiring to Distribute 5 kilograms grams or more of cocaine, a Schedule II controlled substance, 50 grams or more of cocaine base, a Schedule II controlled substance and 100 kilograms or more of marihuana, a Schedule I controlled substance, in violation of Title 21 USC 841 and 846. Count Two charges Defendant Mendez with money laundering in violation of Title 18, USC 1956.

2. 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 interpreter is needed to translate those calls. Finally, there are 23

discs of recordings, pictures and other information relating to this case. On February 3, 2011, counsel received one additional disc of discovery, including documents pertaining to the three wiretaps including the affidavits, orders and the reports. On February 16, 2011, counsel received three supplemental reports from the office of AUSA Bruce Rhoades, consisting of a total of 24 pages.

3. On February 17, 2011, this Court entered a Scheduling and Trial Order in the above-captioned case, which set the due date for filing of pretrial motions within 10 days following the receipt of the Order.

4. Due to the voluminous material counsel must review in this matter, counsel requests additional time to research and draft any and all appropriate pretrial motions.

5. Counsel sent an e-mail to all attorneys of record in this case to get a consensus on when pretrial motions could be filed. Counsel for the following defendants responded to that e-mail and agreed to a requested pretrial motions deadline of May 1, 2011:

Juan Marron

David Hernandez-Montoya;

Mario Marron,

Robert Joseph Olvera,

Benito Castillo Gutierrez,

John Gasca, Jr.,

Rafael Zamora,

Frank Michael Alvarez,

Deshaun Ceruti,

Maria Marron,

Marco Mursia,
Gilbert Lupercio,
Jason Richardson,
Joseph Lopez,
Peter Flores

6. Counsel has discussed this proposed extension with AUSA Bruce Rhoades who has no objection to a May 1, 2011 deadline for filing pretrial motions.

8. This request is not being made to delay the proceedings but rather ensure that counsel has adequate opportunity to prepare appropriate pretrial motions in anticipation of trial. As a result, this request for an extension of the deadline for filing pretrial motions is necessary to ensure that Defendant receives the effective assistance of competent counsel, as mandated by the Sixth Amendment to the United States Constitution. See, Powell v. Alabama, 287 U.S. 45, 58, (1932).

WHEREFORE, Mr. Armando Mendez requests this Court enter an order extending the deadline to file pretrial motions from February 28, 2011 to May 1, 2011 or for whatever other relief this court deems just and proper.

Respectfully submitted,
THE SANDAGE LAW FIRM, P.C.

s/ Sarah M. Rapelye
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ATTORNEY FOR ARMANDO MENDEZ

Certificate of Service

In accordance with Rule 49(a),(b), and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ.P., it is hereby CERTIFIED that one copy of the foregoing motion was electronically sent to ALL COUNSEL OF RECORD, this 23th day of February, 2011.

s/ Sarah M. Rapelye