

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

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	Case No. 08-00026-03/05-CR-W-FJG
vs.)	
)	
DELMON L. JOHNSON,)	
)	
Defendant.)	

UNOPPOSED MOTION TO DECLARE CASE EXTENDED AND COMPLEX

COMES NOW Defendant Delmon L. Johnson, by and through undersigned counsel, and moves this Court, on behalf of all defendants represented by counsel appointed pursuant to the Criminal Justice Act in this case, for entry of an Order (1) declaring this case “extended” and “complex” pursuant to § 2.22(B)(3) of the CJA Guidelines and 18 U.S.C. § 3006A(d)(3); (2) authorizing compensation for CJA counsel in excess of the statutory case compensation maximum; and (3) authorizing submission of interim vouchers by CJA counsel. In support of this motion, defendant states as follows:

1. Count one of the indictment, filed February 6, 2008, charges all five (5) defendants in this case with a Class D conspiracy to distribute controlled substances extending over a period of five (5) years. Count two charges money laundering conspiracy against four of the defendants, and the remaining counts each charge one or two defendants with various distribution of controlled substances, unlawful use of communications facility, and concealment money laundering offenses.

2. The indictment was based on a one year-two month investigation undertaken by the FBI, Fed Ex, and numerous local police departments, and including searches and seizures, controlled purchases, informants, and un-indicted co-conspirators. Accordingly, discovery will be exceptionally voluminous. For example, the government has recently produced to the defense for copying a total of nineteen (19) cd's of "relevant" discovery documents. Documentary discovery, which is still being prepared for disclosure by the government, will go numbers over twenty one thousand pages.

3. Counsel will be required to expend an unusually large amount of time in order to review the discovery in this case. In addition, the time needed to research and consider possible legal motions, assess the relative culpability (or lack thereof) of individual defendants, and engage in plea negotiations if appropriate will also be unusually extensive, as will the time required for trial preparation if necessary. Trial of this matter would almost certainly take several weeks.

4. In light of the foregoing, this case will clearly require substantial investment of time by defense counsel, far beyond that required in the average case. The complexity and extended duration of the charged conspiracy, large number of defendants and related cases and investigations, multiple legal issues, and sheer volume of discovery qualifying this case as both "extended" and "complex" pursuant to Section 2.22(B)(3) of the CJA Guidelines and 18 U.S.C. § 3006A(d)(3). Counsel therefore requests that the Court make these findings and authorize submission of interim vouchers by CJA counsel and payment in excess of the normal CJA maximum.

5. The undersigned has contacted government counsel, and has been authorized to state that the government does not oppose this motion.

WHEREFORE, for the foregoing reasons, defendant requests that the Court issue a written Order finding that this case qualifies as “extended” and “complex” pursuant to Section 2.22(B)(3) of the CJA Guidelines and 18 U.S.C. 3006A(d)(3); authorizing submission of interim vouchers by appointed counsel; and authorizing payment to counsel in excess of the normal CJA maximum.

By: /s/ Darren E. Fulcher
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that on February 5, 2010, I electronically filed the foregoing with the clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this case.

/s/ Darren E. Fulcher
Darren E. Fulcher