

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Criminal Action No.
v.)	10-00162-01/23-CR-W-FJG
)	
MYLIN SMITH,)	
)	
Defendant.)	

ORDER

Before the court is defendant's motion to declare the case complex. In support of his motion, defendant states as follows:

1. On May 26, 2010, the Grand Jury sitting in the Western District of Missouri returned a seventeen (17) count superseding indictment charging the defendant along with 22 co-defendants with conspiracy to distribute over five kilograms of cocaine and over fifty grams of crack, from on or about July 1, 2009 through May 26, 2010.

2. First appearance by this defendant on the superseding indictment was on June 9, 2010. Arraignment was held on June 14, 2010. At the scheduling conference held on July 7, 2010 the matter was set on the Joint Criminal Trial Docket scheduled to commence February 14, 2011.

3. On December 14, 2010 a motion to continue the trial setting was filed requesting the trial be moved to the August, 2011 docket. The court granted the motion and continued the trial to August 1, 2011.

4. The present indictment was based on a one year long investigation undertaken by ATF, ICE, KCPD and FBI and including numerous wiretaps and extension orders, searches and seizures, controlled purchases, informants and unindicted co-conspirators.

5. Accordingly the discovery produced by the government initially consisted of seven disks which contained over 10,000 pages of written documentation to include investigative reports, transcripts of wiretaps, surveillance photographs, and other discoverable information. In addition, audio recordings are available

for review at the United States Attorney's office that contain hundreds of hours of intercepted telephone calls of the defendants. This includes more than one hundred telephone calls of defendant Smith. As of the date of this motion, counsel has received new discovery in the case that would raise the overall amount to more than 11,000 pages.

6. 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, 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.

Given the complex and protracted nature of this case, it is

ORDERED that defendant's Motion to Declare Case Extended and Complex and to Permit Interim Payments to Appointed Counsel (doc #332) is granted. This case is declared extended and complex pursuant to 18 U.S.C. § 3006A(d)(3). All court-appointed counsel are authorized to submit requests for interim payment for legal services and expenses.

Counsel are reminded that no payment beyond the CJA cap will be permitted without written authorization from the Chief Circuit Judge.

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

Kansas City, Missouri
May 26, 2011