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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CR 08-228-HA

UNITED STATES OF AMERICA

v.

**OSCAR FRANCISCO MACIAS-
OVALLE, et al.,**

Defendants.

**GOVERNMENT'S MOTION TO
DECLARE CASE COMPLEX,
VACATE CURRENT DATES, AND RE-
SET ALL DATES AT A STATUS
CONFERENCE**

The United States of America, by and through Karin J. Immergut, United States Attorney for the District of Oregon, and Scott M. Kerin and Jane H. Shoemaker, Assistant United States Attorneys, respectfully moves the Court to designate this a complex case, vacate the current discovery, motions, and trial dates, and schedule a status conference for July 14, 2008, at which time new dates may be set.

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DEFENSE POSITION

This motion is unopposed by counsel for the defendants who have appeared thus far: John Ransom, counsel for Oscar Macias-Ovalle; Mark Bailey, counsel for Alejandro Bello-Cuevas; and Matthew Schindler, counsel for Fernando Macias, Jr. Defendant Angel Ramirez-Arroyo was arrested in the Northern District of California, and was ordered removed to this district in May. However, defendant Angel Ramirez-Arroyo has not yet appeared or received appointed counsel in this district. The remaining two defendants, Artemio Ramirez-Arroyo and Jaime Contreras-Espinoza, are fugitives.

BACKGROUND

This case stems from a long term investigation resulting in six federal indictments: two “drug indictments” and one “money laundering indictment” were returned in March 2008, and three “drug indictments,” including this case, were returned in May 2008:

United States v. Jaime Osegera-Gonzalez, et al, CR 08-126-HA (13 defendants);

United States v. Blanca Rosas-Padilla, CR 08-131-HA (1 defendant);¹

United States v. Blanca Navarrete-Cuellar, CR-08-127-MO (1 defendant);

United States v. Valeriano Carrillo-Carrillo, et al., CR 08-205-RE (13 defendants);

United States v. Oscar Macias-Ovalle, et al., CR 08-228-HA (6 defendants); and

United States v. Hugo Rodriguez-Bello, et al., CR 08-241-MO (2 defendants).

Each of these cases, except *Rodriguez-Bello*, is based on overlapping wiretaps approved by Chief Judge Ancer L. Haggerty between January and April 2008. The initial wiretap covered

¹ *Rosas-Padilla* was originally assigned to Judge Jones, but was re-assigned to Judge Haggerty.

three telephones, designated target telephones 1-3, or TT1-TT3. Target telephone 1 (TT1) was known to be used by Mariana Franco Maldonado, who is charged in the *Carrillo-Carrillo* indictment. TT2 and TT3 were known to be used by defendants now charged in the *Osegera-Gonzalez* case. At the time, it was believed the two groups were all part of a single conspiracy. However, the known link between the two groups, Jorge Pacheco, was murdered shortly before the government obtained the first wiretap, and no other link was established during the course of the electronic surveillance.

Judge Haggerty authorized continued wire interceptions over TT1-TT3 into March 2008, and authorized interceptions over a second telephone tied to the user of TT2, designated target telephone 4 (TT4), into March as well. As a result of the interceptions over TT2, TT3, and TT4, and other investigation, the government sought and obtained the *Osegera-Gonzalez*, *Rosas-Padilla*, and *Navarrete-Cuellar* indictments in March 2008. The defendants in *Osegera-Gonzalez* and *Rosas-Padilla* are charged with various drug offenses under Title 21. Navarrete-Cuellar is charged with money laundering and structuring offenses under Title 18 and Title 31.

The government continued wire interceptions over TT1, and spin-off wiretaps over target telephones identified as TT5, TT6, and ultimately TT7, until May 2008. The users of TT5 and TT6 were identified, through interceptions over TT1 and other investigation, as suppliers for Franco-Maldonado: Angel Ramirez-Arroyo, who is charged in this case, was identified as the primary user of TT5. Jesus Contreras, who is charged in *Carrillo-Carrillo*, was identified as the primary user of TT6. Oscar Macias-Ovalle, was identified through interceptions over TT5 and TT7, and other investigation, as a supplier to Angel Ramirez and others. As a result of the

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interceptions over TT1, TT5, TT6, and TT7, the government sought and obtained this indictment and the *Carrillo-Carrillo* indictment in May 2008.

The *Rodriguez-Bello* indictment, also returned in May 2008, is a product of this investigation, but is not based on any of the wiretaps.

CHARGES

The defendants in this case are charged with conspiring to distribute and possess with intent to distribute 500 grams or more of methamphetamine, as well as cocaine and heroin, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A) and (C), all in violation of Title 21, United States Code, Section 846. The conspiracy is alleged to have occurred from approximately July 19, 2007 through May 14, 2008 in the District of Oregon and elsewhere.² Macias-Ovalle is also charged with possession with intent to distribute 500 grams or more of methamphetamine on premises where children reside, possession of firearms in furtherance of the drug trafficking offenses, and being an illegal alien in possession of firearms. Each of the defendants is facing a mandatory minimum of ten years and up to life imprisonment if convicted at trial.

CURRENT SCHEDULE

The defendants who have appeared thus far made their initial appearances on May 16 and 19, 2008, and we arraigned on May 19 and 22, 2008. United States Magistrate Judge Donald Ashmanskas entered this Court's standard order that discovery be produced in ten (10) days and motions be filed in twenty-one (21) days, and set trial for July 15, 2008.

² The conspiracy in this case factually overlaps the conspiracy charged in *Carrillo-Carrillo*.

The government has provided initial discovery, including the interceptions in each of the wiretaps referenced above. However, discovery is ongoing and will take some time to complete. The government anticipates it will be able to produce the applications, affidavits, and orders for each of the wiretaps tomorrow afternoon or next Monday, and has agreed to produce the rough transcripts and “line sheets” summarizing the calls upon all counsel agreeing to the limited use of those documents. The government is also compiling other discovery and will produce the same as quickly as possible.

COMPLEXITY

As indicated above, this case involves six defendants and serious felony charges that could result in sentences ranging from a mandatory minimum of ten years’ imprisonment to life imprisonment, for each defendant. The charges include a conspiracy with others known and unknown that spanned approximately a 10-month period, and are based on months of court-authorized wire interceptions over multiple telephones (at least TT1, TT5, and TT7). Monitors intercepted thousands of pertinent conversations. The vast majority of the interceptions are in Spanish. The case also involves extensive physical surveillance, including the use of GPS tracking devices, and numerous search warrants related to the seizure of approximately 21 pounds of methamphetamine, numerous firearms, and more than \$49,000.00.

As further noted above, this case is also related to several other indictments. Factually, it is related to *Carrillo-Carrillo, et al.*, which involves another twelve named conspirators, and others known and unknown, numerous other searches and seizures, thousands of interceptions

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