



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JRS/MWG/SMS
F. #2020R00146

*271 Cadman Plaza East
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July 10, 2023

By ECF

The Honorable LaShann DeArcy Hall
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Saracay Lopez, et al.
Criminal Docket No. 20-228 (S-2) (LDH)

Dear Judge DeArcy Hall:

The government respectfully submits this letter to provide the Court with a status update for this case in advance of the status conferences scheduled for this week. Specifically, this letter addresses five topics: (1) the status of arraignments and appearances for the defendants; (2) the status of the death penalty process for death-eligible defendants; (3) the status of discovery; (4) the status of plea negotiations; and (5) the government's request that the Court schedule trials for this case.

I. The Defendants' Appearances and Arraignments

As set forth in greater detail in the government's June 21, 2023 letter (ECF Dkt. No. 263), the government arrested thirteen new defendants on June 21, 2023 in connection with the Second Superseding Indictment. In addition, two defendants who had previously been charged in United States v. Hernandez, No. 22-CR-480 (JS) (E.D.N.Y.), were added to the Second Superseding Indictment in this case.¹ One defendant remains at large.

Of the newly added defendants, three (Edenilson Velasquez Larin, Jose Espinoza Sanchez and Keila Hernandez May) were arrested out of state and are still in the process of being transported to this District. All of the other newly added defendants and all of the preexisting defendants have appeared in this District and have been arraigned on the Second Superseding

¹ Although the government indicated in its June 21, 2023 letter that it anticipated moving to dismiss United States v. Hernandez without prejudice, the government is instead seeking to have that case transferred to this Court as related to this case and then treated as an underlying indictment. See ECF Dkt. No. 334.

Indictment. When the three out-of-state defendants arrive in the District, the government will arrange for their arraignments and will confer with defense counsel for those defendants as to proposed status conference dates.

II. The Death Penalty Process

Several of the defendants in this case have been charged with one or more murders, which are potentially capital offenses. The Department of Justice has previously determined that it will not seek the death penalty as to defendants Martinez-Alvarenga (as to the murder of Abel Mosso), Amaya-Ramirez, Flores-Mejia, Gutierrez and Lopez. In light of the new charges, the Department of Justice must now determine whether to seek the death penalty against defendants Martinez-Alvarenga (as to his newly-charged involvement in the murder of Victor Alvarenga), Velasquez Larin, Espinoza Sanchez, Hernandez Baires, Martinez-Lara and Santos-Novoa.²

As the Court knows, the death penalty process can take substantial time. The government has already begun work on this process and hopes to complete it as quickly as is reasonably possible. The government will provide ongoing updates to the Court as to this process as it moves forward.

III. Discovery

The government and defense counsel are currently negotiating a protective order for the Court's consideration, which the parties will submit to the Court as soon as it has been approved by all defense counsel.³ Once a protective order is in place, the government anticipates promptly beginning to produce substantial discovery on a rolling basis. This discovery will include telephone records, surveillance video, police reports, seized drugs and firearms and the contents of several dozen seized cellular devices.

The government has conferred regarding discovery pursuant to Fed. R. Crim. P. 16.1 with the Coordinating Discovery Attorney Emma Greenwood, Esq., and has begun discussions with defense counsel for the new defendants regarding the key discovery relating to their clients. The government intends to prioritize discovery to produce what it believes is the most useful discovery first to allow defense counsel and the defendants to begin having productive conversations and to allow for possible plea negotiations.

In addition, at the May 19, 2023 status conference, the Court ordered the government to file a letter by July 10, 2023 regarding defendant Amaya-Ramirez's access to discovery at the MDC. The government has conferred with legal counsel for the MDC, who have informed the government that Amaya-Ramirez should be able to access discovery using the computers on his unit and therefore can access discovery without going to the law library. The

² Although defendant Carranza is charged with the murder of Andy Peralta, she is not eligible for the death penalty because she was a minor at the time of the murder.

³ As of the submission of this letter, defense counsel for 13 of the 19 defendants who have appeared have signed the proposed protective order.

government is continuing to discuss this issue with counsel for Amaya-Ramirez and will endeavor to resolve this and any future issues without the need for Court involvement.

IV. Plea Negotiations

Although it is too early for the government and any of the new defendants to engage in substantial plea negotiations, the government and defense counsel for several new defendants have begun productive discussions that the government hopes will ultimately lead to resolutions as to several defendants without the need for a trial. The government is also continuing productive discussions with some of the pre-existing defendants and expects that the new charges against certain defendants — which demonstrate the extent of the government’s knowledge of these defendant’s criminal conduct — will allow for renewed plea negotiations for certain defendants where negotiations had previously reached an impasse.

V. Trial Schedules

The government had previously requested a trial at the Court’s earliest convenience for the defendants charged with the murder of Andy Peralta: Amaya-Ramirez, Flores-Mejia and (now) Carranza. The government understands that the trial for that murder is likely to occur in late 2024 or early 2025 due to the residual impact of the COVID-19 pandemic on the Court’s trial calendar.

As to the remaining 20 defendants, the government respectfully requests that the Court schedule two six-week trials at times convenient for the Court. The government understands that the Court has an extremely full trial schedule and submits that scheduling trials now will allow this case to hold places on the Court’s calendar and that waiting to schedule the trial until later will require trial in this case to wait until after any trials scheduled in the interim, leading to substantial delay. In addition, while the government is hopeful that the parties will be able to resolve this case as to a sufficient number of defendants to avoid the need for multiple trials in addition to the Peralta murder trial, the government submits that scheduling two trials now to reserve the time on the Court’s calendar is the more prudent course.

The government further submits that it is too early to break the defendants into trial groups (other than the defendants charged with the Peralta murder) because plea negotiations are ongoing. Once it is clearer which defendants will in fact be proceeding to trial, and if the number of defendants is still too large for one combined trial, the government and defense counsel can confer to propose trial groups for the Court’s consideration.

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