

**UNITED STATES DISTRICT COURT
District of Maine**

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
v.)	Criminal No. 08-54-P-S
)	
RICHARD SZPYT, et al,)	
)	
Defendants)	
)	

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on November 9, 2008, his Recommended Decision (Docket No. 514). Defendant James E. Weston filed his Objection to the Recommended Decision (Docket No. 552) on November 25, 2008. Defendant Cynthia A. Moore filed her Objection to the Recommended Decision (Docket No. 553) on November 26, 2008. December Richard Szpyt filed his Objection to the Recommended Decision (Docket No. 565) on December 12, 2008. The Government filed its Response to the Objections of Defendants James E. Weston, Richard W. Szypt and Cynthia A. Moore (Docket No. 569) on December 15, 2008.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. The Proposed Findings of Fact herein are **ADOPTED**.
3. It is hereby **ORDERED** that Defendant Charles Green's Motion to Suppress (Docket No. 366) and Defendant Michael Balot's Motion to Suppress (Docket No. 437) are **DISMISSED AS MOOT**.
4. It is hereby **ORDERED** that Defendants' Motions to Join filed by Kelley Monahan (Docket No. 374), Michael Martin (Docket No. 381), and Andre T. Charron (Docket No. 388) are **GRANTED**.
5. It is hereby **ORDERED** that Defendants' Motions to Join and Suppress filed by Robert L. Sanborn, Jr. (Docket No. 375), Lara Sanborn (Docket No. 377), and Walter D. Towle, Jr. (Docket No. 378) are **GRANTED** to the extent they join Defendant James E. Weston's Motion to Suppress (Docket No. 346), and are otherwise **DENIED**.
6. It is hereby **ORDERED** that Defendants' Motions to Suppress filed by James E. Weston (Docket No. 346), Cynthia Moore (Docket No. 352), Sherwood K. Jordan (Docket No. 357), and Daniel A. Guarino (Docket No. 368) are **DENIED**.

/s/George Z. Singal _____
Chief U.S. District Judge

Dated: December 18, 2008

Defendant (1)

RICHARD W SZPYT

also known as

ZIP

represented by **ROBERT A. LEVINE**
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PRO HAC VICE
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Designation: Retained

Pending Counts

Conspiracy to possess with intent to
distribute cocaine and marijuana and
aiding and abetting the commission
of those crimes,

21:846,21:841(a)(1)and 18:2
(1s)

Felon in possession of a firearm,
18:922(g)(1)
(7s)

Using a communications facility or
device in committing or facilitating

Disposition

the commission of a drug felony,
21:843(b)
(18s-19s)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(32s)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(39s-40s)

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to
distribute cocaine and aiding and
abetting the commission of those
crimes, 21:846,21:841(a)(1)and 18:2
(1)

Felon in possession of a firearm,
18:922(g)(1), 924(a)(2), and 2
(8)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(19-20)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(34)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(44-45)

Disposition

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z.
SINGAL

Defendant (2)

ROBERT L SANBORN

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

Conspiracy to possess with intent to
distribute cocaine and marijuana and
aiding and abetting the commission
of those crimes,
21:846,21:841(a)(1)and 18:2
(1s)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to
distribute cocaine and aiding and
abetting the commission of those
crimes, 21:846,21:841(a)(1)and 18:2
(1-2)

Disposition

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z.
SINGAL

Defendant (3)

JAMES E WESTON

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

Conspiracy to possess with intent to
distribute cocaine and marijuana and
aiding and abetting the commission
of those crimes,

21:846,21:841(a)(1)and 18:2
(1s)

Distribute and possess with intent to
distribute cocaine and aiding and
abetting, 21:841(a)(1)and 18:2

(2s)

Distribute and possess with intent to
distribute cocaine and aiding and
abetting, 21:841(a)(1)and 18:2

(6s)

Using a communications facility or
device in committing or facilitating

Disposition

the commission of a drug felony,
21:843(b)
(10s)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(15s)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(17s)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(22s)

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to
distribute cocaine and aiding and
abetting the commission of those
crimes, 21:846,21:841(a)(1)and 18:2
(1)

Distribute and possess with intent to
distribute cocaine and aiding and
abetting, 21:841(a)(1)and 18:2
(3)

Distribute and possess with intent to
distribute cocaine and aiding and
abetting, 21:841(a)(1)and 18:2
(7)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(11)

Disposition

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(16)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(18)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(23)

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z.
SINGAL

Defendant (4)

MICHAEL BALOT
TERMINATED: 10/31/2008

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

Conspiracy to possess with intent to distribute cocaine and aiding and abetting the commission of those

Disposition

Dismissed Upon Motion by the Government

crimes, 21:846,21:841(a)(1)and 18:2
(1-2)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(30)

Dismissed Upon Motion by the
Government

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(36-37)

Dismissed Upon Motion by the
Government

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(43)

Dismissed Upon Motion by the
Government

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z.
SINGAL

Defendant (5)

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Designation: CJA Appointment

Pending Counts

Conspiracy to possess with intent to distribute cocaine and marijuana and aiding and abetting the commission of those crimes,

21:846,21:841(a)(1)and 18:2
(1s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,

21:843(b)
(14s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,

21:843(b)
(25s)

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to distribute cocaine and aiding and abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2

(1)

Using a communications facility or device in committing or facilitating the commission of a drug felony,

21:843(b)
(15)

Using a communications facility or device in committing or facilitating the commission of a drug felony,

21:843(b)
(26)

Disposition

Disposition

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z.
SINGAL

Defendant (6)

SHERWOOD K JORDAN

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Designation: Retained

Pending Counts

Conspiracy to possess with intent to distribute cocaine and marijuana and aiding and abetting the commission of those crimes,
21:846,21:841(a)(1)and 18:2
(1s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(20s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(23s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(27s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(29s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(35s)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

Conspiracy to possess with intent to distribute cocaine and aiding and abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2 (1)

Using a communications facility or device in committing or facilitating the commission of a drug felony, 21:843(b) (21)

Using a communications facility or device in committing or facilitating the commission of a drug felony, 21:843(b) (24)

Using a communications facility or device in committing or facilitating the commission of a drug felony, 21:843(b) (28)

Using a communications facility or device in committing or facilitating the commission of a drug felony, 21:843(b) (31)

Using a communications facility or device in committing or facilitating the commission of a drug felony, 21:843(b) (39)

Highest Offense Level (Terminated)

Felony

Complaints

Disposition

None

Assigned to: JUDGE GEORGE Z.
SINGAL

Defendant (7)

ANDRE T CHARRON

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ATTORNEY TO BE NOTICED
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Pending Counts

Conspiracy to possess with intent to
distribute cocaine and marijuana and
aiding and abetting the commission
of those crimes,
21:846,21:841(a)(1)and 18:2
(1s)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to
distribute cocaine and aiding and
abetting the commission of those
crimes, 21:846,21:841(a)(1)and 18:2
(1)

Disposition

**Highest Offense Level
(Terminated)**

Felony

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z.
SINGAL

Defendant (8)

LARA M SANBORN

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Pending Counts

Conspiracy to possess with intent to
distribute cocaine and marijuana and
aiding and abetting the commission
of those crimes,
21:846,21:841(a)(1)and 18:2
(1s)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to
distribute cocaine and aiding and
abetting the commission of those
crimes, 21:846,21:841(a)(1)and 18:2
(1)

Disposition

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z.
SINGAL

Defendant (9)

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

Conspiracy to possess with intent to
distribute cocaine and marijuana and
aiding and abetting the commission
of those crimes,
21:846,21:841(a)(1)and 18:2
(1s)

Disposition

Highest Offense Level (Opening)

Felony

Disposition

Terminated Counts

Conspiracy to possess with intent to
distribute cocaine and aiding and
abetting the commission of those
crimes, 21:846,21:841(a)(1)and 18:2
(1)

Highest Offense Level
(Terminated)

Felony

Disposition

Complaints

None

Assigned to: JUDGE GEORGE Z.

SINGAL

Defendant (10)

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ATTORNEY TO BE NOTICED
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Pending Counts

Conspiracy to possess with intent to distribute cocaine and marijuana and aiding and abetting the commission of those crimes,
21:846,21:841(a)(1)and 18:2
(1s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(21s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(24s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(34s)

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to distribute cocaine and aiding and

Disposition

Disposition

abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2 (1)

Using a communications facility or device in committing or facilitating the commission of a drug felony, 21:843(b) (22)

Using a communications facility or device in committing or facilitating the commission of a drug felony, 21:843(b) (25)

Using a communications facility or device in committing or facilitating the commission of a drug felony, 21:843(b) (38)

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z. SINGAL

Defendant (11)

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ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

Conspiracy to possess with intent to distribute cocaine and aiding and abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2 (1)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z. SINGAL

Defendant (12)

DANIEL A GUARINO

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ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

Conspiracy to possess with intent to distribute cocaine and marijuana and aiding and abetting the commission

Disposition

of those crimes,
21:846,21:841(a)(1)and 18:2
(1s)

Distribute and possess with intent to
distribute cocaine and aiding and
abetting, 21:841(a)(1)and 18:2
(3s)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(33s)

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

Conspiracy to possess with intent to
distribute cocaine and aiding and
abetting the commission of those
crimes, 21:846,21:841(a)(1)and 18:2
(1)

Distribute and possess with intent to
distribute cocaine and aiding and
abetting, 21:841(a)(1)and 18:2
(4)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,
21:843(b)
(35)

**Highest Offense Level
(Terminated)**

Felony

Complaints

Disposition

None

Assigned to: JUDGE GEORGE Z.

SINGAL

Defendant (13)

ZACHARY DEVEAU

represented by **ROGER F. BRUNELLE , JR.**
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WOLF & LEAVITT
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

Conspiracy to possess with intent to distribute cocaine and marijuana and aiding and abetting the commission of those crimes,

21:846,21:841(a)(1)and 18:2

(1s)

Distribute and possess with intent to distribute cocaine and aiding and abetting, 21:841(a)(1)and 18:2

(5s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,

21:843(b)

(36s-38s)

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to distribute cocaine and aiding and abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2

(1)

Disposition

Disposition

Distribute and possess with intent to distribute cocaine and aiding and abetting, 21:841(a)(1)and 18:2 (6)

Using a communications facility or device in committing or facilitating the commission of a drug felony, 21:843(b) (40-42)

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z. SINGAL

Defendant (14)

KELLEY MONAHAN

represented by **RICHARD S. BERNE**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

Conspiracy to possess with intent to distribute cocaine and marijuana and aiding and abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2 (1s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,

Disposition

21:843(b)
(13s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(16s)

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to distribute cocaine and aiding and abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2
(1)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(14)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(17)

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Disposition

Assigned to: JUDGE GEORGE Z. SINGAL

Defendant (15)

WALTER D TOWLE, JR

represented by JOHN PAUL DEGRINNEY

also known as
BUTCHY

DEGRINNEY LAW OFFICES
1266 CONGRESS STREET
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

Conspiracy to possess with intent to distribute cocaine and marijuana and aiding and abetting the commission of those crimes,
21:846,21:841(a)(1)and 18:2
(1s)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to distribute cocaine and aiding and abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2
(1)

Disposition

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z.
SINGAL

Defendant (16)

BRUCE HILL

represented by **DAVID J. VAN DYKE**
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RABASCO & VAN DYKE
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ATTORNEY TO BE NOTICED
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TERMINATED: 07/14/2008
LEAD ATTORNEY
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Designation: CJA Appointment

Pending Counts

Conspiracy to possess with intent to distribute cocaine and marijuana and aiding and abetting the commission of those crimes,

21:846,21:841(a)(1)and 18:2
(1s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,

21:843(b)
(11s)

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to distribute cocaine and aiding and abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2

(1)

Using a communications facility or

Disposition

Disposition

device in committing or facilitating
the commission of a drug felony,
21:843(b)
(12)

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z.
SINGAL

Defendant (17)

MICHAEL GOCHIE

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Pending Counts

Conspiracy to possess with intent to
distribute cocaine and marijuana and
aiding and abetting the commission
of those crimes,
21:846,21:841(a)(1)and 18:2
(1s)

Distribute and possess with intent to
distribute cocaine and aiding and
abetting, 21:841(a)(1)and 18:2
(4s)

Using a communications facility or
device in committing or facilitating
the commission of a drug felony,

Disposition

21:843(b)
(26s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(28s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(31s)

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to distribute cocaine and aiding and abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2
(1)

Distribute and possess with intent to distribute cocaine and aiding and abetting, 21:841(a)(1)and 18:2
(5)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(27)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(29)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(33)

Disposition

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Assigned to: JUDGE GEORGE Z.
SINGAL

Defendant (18)

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Designation: CJA Appointment

Pending Counts

Conspiracy to possess with intent to
distribute cocaine and marijuana and
aiding and abetting the commission
of those crimes,
21:846,21:841(a)(1)and 18:2
(1s)

Distribute and possess with intent to
distribute cocaine and aiding and
abetting, 21:841(a)(1)and 18:2
(12s)

Distribute and possess with intent to
distribute cocaine and aiding and
abetting, 21:841(a)(1)and 18:2
(30s)

Highest Offense Level (Opening)

Felony

Disposition

Terminated Counts

Conspiracy to possess with intent to distribute cocaine and aiding and abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2 (1)

Using a communications facility or device in committing or facilitating the commission of a drug felony, 21:843(b) (13)

Using a communications facility or device in committing or facilitating the commission of a drug felony, 21:843(b) (32)

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Disposition

Assigned to: JUDGE GEORGE Z. SINGAL

Defendant (19)

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Pending Counts

Conspiracy to possess with intent to distribute cocaine and marijuana and aiding and abetting the commission of those crimes,
21:846,21:841(a)(1)and 18:2
(1s)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(8s-9s)

Highest Offense Level (Opening)

Felony

Terminated Counts

Conspiracy to possess with intent to distribute cocaine and aiding and abetting the commission of those crimes, 21:846,21:841(a)(1)and 18:2
(1)

Using a communications facility or device in committing or facilitating the commission of a drug felony,
21:843(b)
(9-10)

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Disposition

Disposition

Assigned to: JUDGE GEORGE Z. SINGAL

Defendant (20)

RAMON DELLOSANTOS

represented by **ELLIOT M. WEINSTEIN**

also known as
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also known as
RAMON DELASSANTOS
also known as
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ATTORNEY TO BE NOTICED

Pending Counts

Conspiracy to possess with intent to
distribute cocaine and marijuana and
aiding and abetting the commission
of those crimes,
21:846,21:841(a)(1)and 18:2
(1)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Plaintiff

USA

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