

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

v.

Case No. 18-cr-00028-jdp

JORGE CONSUEGRA-ROJAS et al.,

Defendants.

ORDER AUTHORIZING ALTERNATIVE NOTIFICATION PROCEDURES

Before the court is the Government's Motion to Authorize Alternative Procedures Pursuant to 18 U.S.C. § 3771(d)(2), filed June 19, 2018. The government seeks an order from the court approving the use of alternate means to provide notice to the large number of crime victims in this case. Under 18 U.S.C. § 3771(a)(2), crime victims have a right to "reasonable, accurate, and timely notice" of public court proceedings. In this case, the alleged victims of the defendants' credit card fraud activity were the owners of approximately 1,688 stolen credit card numbers.

The government represents that during its investigation, the Federal Bureau of Investigation has contacted approximately 14 financial institutions that are victims in this case. However, a very large number of individual and institutional victims have not yet been identified and/or located. Given the fact that approximately 1,688 stolen credit card numbers are at issue, it will be impracticable for the government to identify and locate all the owners of stolen credit card numbers and then to provide them with reasonable, accurate, and timely notice by mail or e-mail of the various court proceedings.

Under such circumstances, 18 U.S.C. § 3771(a)(2) of the Crimes Victims' Rights Act gives the court the authority to "fashion a reasonable procedure to give effect to this chapter

that does not unduly complicate or prolong the proceedings.” The government seeks authorization to provide an alternate means to provide notice to the large number of crime victims in this case. In its motion, the government sets out its proposed actions to comply with 18 U.S.C. § 3771. The court finds the proposal meritorious and grants the government’s motion.

Therefore, the court finds that: (1) the “multiple victim” provisions of 18 U.S.C. § 3771(d)(2) apply to the above entitled and numbered cause; (2) it is impractical, because of the number of victims, for the government and the court to identify all the direct and proximate victims of the charged offenses, on an individual basis, without unduly complicating or prolonging the proceedings; and (3) the proposal set forth in the government’s motion (Document 10) is a “reasonable procedure” to give effect to the provisions of 18 U.S.C. § 3771.

Accordingly, it is ordered that the government is authorized to comply with the provisions of 18 U.S.C. § 3771(a)(2) in the above entitled and numbered cause by providing notice of the court proceedings as provided in the proposal set forth in its motion.

DATED: _____

JAMES D. PETERSON
United States District Judge