

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

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UNITED STATES OF AMERICA

v.

Case No. 18-cr-00028-jdp

JORGE CONSUEGRA-ROJAS et al.,

Defendants.

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**GOVERNMENT'S MOTION FOR ALTERNATIVE VICTIM NOTIFICATION  
UNDER 18 U.S.C. § 3771(d)(2)**

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The United States of America, by and through its counsel, Aaron Wegner, hereby respectfully moves this Court, pursuant to Title 18, United States Code, Section 3771(d)(2), for authorization to employ the victim notification procedures described below, in lieu of those prescribed by section 3771(a), (b) and (c), on the grounds that the number of crime victims in this case makes it impracticable to accord all of the crime victims the rights described in subsection 3771(a).

The Crimes Victims' Rights Act ("the Act"), codified at 18 U.S.C. § 3771, provides certain rights to victims in federal criminal proceedings. Among these rights is the right to "reasonable, accurate, and timely notice" of public court proceedings. 18 U.S.C. § 3771(a). The Act requires "[o]fficers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation and prosecution of crime make their best efforts to see that

crime victims are notified of, and accorded, the rights described in subsection [3771](a)," 18 U.S.C. § 3771(c)(1), and it instructs the Court to "ensure that the crime victim is afforded" those rights. 18 U.S.C. § 3771(b). The Act defines a crime victim as "a person directly and proximately harmed as a result of the commission of a Federal offense . . ." 18 U.S.C. § 3771(e). Importantly, the Act recognizes that for crimes involving multiple victims, the Court has discretion to adopt procedures to accord victim rights without unduly interfering with the criminal proceedings. Thus, 18 U.S.C. §3771(d)(2) provides:

In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.

The Act places no limitations on the alternative procedures which a Court may fashion other than that the procedures be reasonable to effectuate the Act and that they not unduly complicate or prolong the proceedings. *Id.*

The Federal Bureau of Investigation's ("FBI") investigation in this case shows that between August 7, 2016, and September 12, 2016, the defendants possessed approximately 1,688 stolen credit card numbers. To date, the FBI has only been able to contact approximately 14 financial institutions that were the victims of the defendants' crimes. However, given the large number of stolen credit cards at issue, there are certainly a large amount of victims (both individual and institutional) that have not yet

been notified in this case. This number of victims make compliance with the notification requirements outlined in section 3771(a), (b) and (c) impracticable. Neither the government nor the Court has the resources to accord all of the victims in this case the notice required by subsection 3771(a). Therefore, due to the large number of victims in this case, the Government intends to use the Justice Department's website for large cases, <http://justice.gov/largecases/>, to direct victims to a case-specific website where all required notices will be posted. The Government will issue a press release informing individuals who believe they may be victims to access the Justice Department website for more information. Victim notification at the corrections stage will be provided through the Bureau of Prisons' website, [www.bop.gov](http://www.bop.gov).

### CONCLUSION

Based on the foregoing, the government requests the Court grant the motion for alternative victim notification procedures.

Dated this 19th day of June 2018.

Respectfully submitted,

SCOTT C. BLADER  
United States Attorney

By:

s/Aaron D. Wegner  
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