

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CRIMINAL DOCKET FOR CASE #: 2:04-cr-00295-TMH All Defendants**

Case title: USA v. BENMOUMEN
Magistrate judge case number: 2:01-mj-00338

Date Filed: 11/09/2004
Date Terminated: 12/29/2004

Assigned to: Thomas M.
Hardiman

Defendant (1)

ELMELIANI BENMOUMEN
TERMINATED: 12/29/2004

represented by **Jay J. Finkelstein**
Federal Public Defender's Office
1001 Liberty Avenue
1500 Liberty Center
Pittsburgh, PA 15222-3716
(412) 644-6565
Email: jay_finkelstein@fd.org
TERMINATED: 12/29/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

18:371 CONSPIRACY TO
PRODUCE UNLAWFUL
IDENTIFICATION
DOCUMENTS
(1)

Disposition

IMPRISONMENT for a total time
served; Supervised Release for a
term of 12 months; Special
Assessment in the sum of \$100.00

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level

(Terminated)

None

Complaints

None

Disposition

Plaintiff

**UNITED STATES OF
AMERICA**

represented by **Nelson P. Cohen**
United States Attorney's Office
700 Grant Street
Suite 4000
Pittsburgh, PA 15219
(412) 894 7336
Email: nelson.cohen@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/27/2001	1	COMPLAINT [2:01-m -338] (sealed) (Entered: 09/28/2001)
09/27/2001		ARREST WARRANT issued as to ELMELIANI BENMOUMEN [2:01-m -338] (sealed) (Entered: 09/28/2001)
09/27/2001	2	MOTION by USA as to ELMELIANI BENMOUMEN to Seal with Proposed Order. [2:01-m -338] (sealed) (Entered: 09/28/2001)
09/27/2001		ORDER upon motion granting [2-1] motion to Seal as to ELMELIANI BENMOUMEN (1) (signed by Mag. Judge Kenneth J. Benson on 9/27/01) CM all parties of record. [2:01-m -338] (sealed) (Entered: 09/28/2001)
09/28/2001	3	MOTION by USA as to ELMELIANI BENMOUMEN to Unseal with Proposed Order. [2:01-m -338] (sealed) (Entered: 09/28/2001)
09/28/2001		ORDER upon motion granting [3-1] motion to Unseal as to ELMELIANI BENMOUMEN (1) (signed by Mag. Judge Kenneth J. Benson on 9/28/01) CM all parties of record. [2:01-m -338] (sealed) (Entered: 09/28/2001)
09/28/2001	4	Initial appearance as to ELMELIANI BENMOUMEN held on 9/28/01 before Mag. Judge Kenneth J. Benson [Reporter: 2001-23;789-2942] ;Preliminary Examination set for 10:30 10/1/01 for ELMELIANI BENMOUMEN ; Detention Hearing set for 10:30

		10/1/01 for ELMELIANI BENMOUMEN (Defendant informed of rights.) [2:01-m -338] (sealed) (Entered: 09/28/2001)
09/28/2001	5	CJA 23 FINANCIAL AFFIDAVIT by ELMELIANI BENMOUMEN [2:01-m -338] (sealed) (Entered: 09/28/2001)
09/28/2001	6	Request for Detention as to ELMELIANI BENMOUMEN [2:01-m -338] (sealed) (Entered: 09/28/2001)
09/28/2001	7	TEMPORARY COMMITMENT ORDER issued as to ELMELIANI BENMOUMEN (signed by Mag. Judge Kenneth J. Benson on 9/28/01) [2:01-m -338] (sealed) (Entered: 09/28/2001)
09/28/2001	13	ARREST WARRANT Returned Executed as to ELMELIANI BENMOUMEN on 9/27/01 [2:01-m -338] (femp) (Entered: 10/05/2001)
10/01/2001	8	ORDER as to ELMELIANI BENMOUMEN, and Appointing Jay J. Finkelstein, Asst. Federal Public Defender (signed by Mag. Judge Kenneth J. Benson on 9/28/01) CM all parties of record. [2:01-m -338] (femp) (Entered: 10/01/2001)
10/01/2001	9	Detention hearing as to ELMELIANI BENMOUMEN held on 10/1/01 before Mag. Judge Kenneth J. Benson [Reporter: R.Ford] [2:01-m -338] (femp) (Entered: 10/01/2001)
10/01/2001		Non-surety BOND entered by ELMELIANI BENMOUMEN in the amount of \$10,000 receipt # none [2:01-m -338] (femp) (Entered: 10/01/2001)
10/01/2001	10	ORDER Setting Conditions of Release as to ELMELIANI BENMOUMEN Bond set to \$10,000.00 Non surety for ELMELIANI BENMOUMEN. (signed by Mag. Judge Kenneth J. Benson on 10/1/01) CM all parties of record. [2:01-m -338] (femp) (Entered: 10/01/2001)
10/03/2001	11	MOTION by ELMELIANI BENMOUMEN for Continuance due to investigate the facts and law , and Continuance in Interests of Justice with Proposed Order. [2:01-m -338] (femp) (Entered: 10/03/2001)
10/03/2001		ORDER upon motion granting [11-1] motion for Continuance due to investigate the facts and law as to ELMELIANI BENMOUMEN (1), granting [11-2] motion Continuance in Interests of Justice Time excluded from 10/3/01 to **/**/** as to ELMELIANI BENMOUMEN (1) (signed by Mag. Judge Kenneth J. Benson on 10/3/01) CM all parties of record. [2:01-m -338] (femp) (Entered: 10/03/2001)
10/04/2001	12	Waiver of Preliminary Examination or Hearing by ELMELIANI

		BENMOUMEN [2:01-m -338] (femp) (Entered: 10/04/2001)
10/30/2001	14	MOTION by ELMELIANI BENMOUMEN to continue time for indictment with Proposed Order. [2:01-m -338] (dgg) (Entered: 11/02/2001)
11/01/2001		ORDER upon motion granting [14-1] motion to continue time for indictment for a period of 30 days as to ELMELIANI BENMOUMEN (1) (signed by Mag. Judge Ila J. Sensenich on 11/1/01) CM all parties of record. [2:01-m -338] (dgg) (Entered: 11/02/2001)
12/03/2001	15	MOTION by ELMELIANI BENMOUMEN for continuance of time for indictment with Proposed Order. [2:01-m -338] (jsp) Modified on 12/04/2001 (Entered: 12/04/2001)
12/03/2001		ORDER upon motion granting [15-1] motion for continuance of time for indictment as to ELMELIANI BENMOUMEN (1) (signed by Magistrate Judge Francis X. Caiazza on 12/4/01) CM all parties of record. [2:01-m -338] (jsp) (Entered: 12/04/2001)
01/10/2002	16	MOTION by ELMELIANI BENMOUMEN to Modify Conditions of Release with Proposed Order. [2:01-m -338] (femp) (Entered: 01/14/2002)
01/14/2002		ORDER upon motion granting [16-1] motion to Modify Conditions of Release as to ELMELIANI BENMOUMEN (1); electronic monitoring condition of release is terminated. (signed by Mag. Judge Kenneth J. Benson on 1/14/02) CM all parties of record. [2:01-m -338] (femp) (Entered: 01/14/2002)
02/12/2002	17	MOTION by ELMELIANI BENMOUMEN for continuance of time for indictment with Proposed Order. [2:01-m -338] (jsp) (Entered: 02/13/2002)
02/13/2002		ORDER upon motion granting [17-1] motion for continuance of time for indictment as to ELMELIANI BENMOUMEN (1) (signed by Magistrate Judge Francis X. Caiazza on 2/13/02) CM all parties of record. [2:01-m -338] (jsp) (Entered: 02/13/2002)
03/12/2002	18	MOTION by ELMELIANI BENMOUMEN for Continuance of Time for Indictment with Proposed Order. [2:01-m -338] (lck) (Entered: 03/13/2002)
03/12/2002		ORDER upon motion granting [18-1] motion for Continuance of Time for Indictment as to ELMELIANI BENMOUMEN (1) (signed by Magistrate Judge Francis X. Caiazza on 3/12/02) CM all parties of record. [2:01-m -338] (lck) (Entered: 03/13/2002)
04/12/2002	19	MOTION by ELMELIANI BENMOUMEN for Continuance of

		Time for Indictment with Proposed Order. [2:01-m -338] (lck) (Entered: 04/16/2002)
04/12/2002		ORDER upon motion granting [19-1] motion for Continuance of Time for Indictment as to ELMELIANI BENMOUMEN (1) (signed by Mag. Judge Kenneth J. Benson on 4/12/02) CM all parties of record. [2:01-m -338] (lck) (Entered: 04/16/2002)
11/09/2004	20	MOTION by USA as to ELMELIANI BENMOUMEN for Writ of Habeas Corpus ad Prosequendum with Proposed Order. [2:01-m -338] (lck) (Entered: 11/09/2004)
11/09/2004		ORDER upon motion granting [20-1] motion for Writ of Habeas Corpus ad Prosequendum as to ELMELIANI BENMOUMEN (1) The defendant shall be present for a Waiver and Plea hearing set for 11/9/04 @ 2:30 before J. Hardiman. The detainee shall be returned to Allegheny Co. Jail when he is no longer needed by the court. (signed by Mag. Judge Amy R. Hay on 11/8/04) CM all parties of record. [2:01-m -338] (lck) (Entered: 11/09/2004)
11/10/2004	21	INFORMATION as to ELMELIANI BENMOUMEN (1) count(s) 1 (plh) (Entered: 11/10/2004)
11/10/2004	22	Information Memorandum as to ELMELIANI BENMOUMEN (plh) (Entered: 11/10/2004)
11/10/2004	23	WAIVER OF INDICTMENT by ELMELIANI BENMOUMEN (plh) (Entered: 11/10/2004)
11/10/2004	24	WAIVER AND PLEA HEARING held on 11/9/04 as to ELMELIANI BENMOUMEN before Judge Thomas M. Hardiman [Reporter: Richard Ford] with Plea Agreement attached (plh) (Entered: 11/10/2004)
11/10/2004		PLEA of Guilty: ELMELIANI BENMOUMEN (1) count(s) 1 on 11/9/04 before Judge Thomas M. Hardiman (with 21) (plh) (Entered: 11/10/2004)
11/12/2004	25	TRANSCRIPT of Proceedings before Hardiman, J. as to ELMELIANI BENMOUMEN for date of 11/9/04 Reporter: Richard T. Ford (plh) (Entered: 11/12/2004)
11/22/2004	26	Sentencing Hearing set for 9:30 12/29/04 for ELMELIANI BENMOUMEN before Judge Thomas M. Hardiman ELMELIANI BENMOUMEN (1) count(s) 1 (plh) (Entered: 11/22/2004)
12/16/2004	27	Position by ELMELIANI BENMOUMEN with respect to sentencing factors (plh) (Entered: 12/17/2004)
12/16/2004	28	Position by USA with respect to sentencing factors as to

		ELMELIANI BENMOUMEN (plh) (Entered: 12/17/2004)
12/29/2004	29	Sentencing Hearing held on 12/29/04 before Judge Thomas M. Hardiman [Reporter: Richard Ford] re: ELMELIANI BENMOUMEN (1) count(s) 1 (plh) (Entered: 12/29/2004)
12/29/2004	30	JUDGMENT ELMELIANI BENMOUMEN (1) count(s) 1. IMPRISONMENT for a total time served; Supervised Release for a term of 12 months; Special Assessment in the sum of \$100.00 (signed by Judge Thomas M. Hardiman on 12/29/04) (plh) (Entered: 12/29/2004)

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