

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:21-cr-0023
	)	
LODWIN ASHTON, MATTHEW HAZEL,	)	
JOSE SOLANO, CESAR THOMAS, and	)	
ANDREW WILSON,	)	
	)	
Defendants.	)	
	)	

ORDER

BEFORE THE COURT is the trial in this matter, currently scheduled for January 19, 2022. For the reasons stated herein, the time to try this case is extended up to and including July 11, 2022.

In response to the COVID-19 pandemic, the Chief Judge of the District Court of the Virgin Islands entered a general order concerning operations of the Court on March 17, 2020. The Chief Judge has thus far extended the order twenty times, finding that the ends of justice require excluding March 18, 2020, through January 31, 2022, from the Speedy Trial count in all criminal matters.

To date, the COVID-19 virus has claimed more than 821,000 lives (88 of which have been in the U.S. Virgin Islands). COVID-19 continues to present an unpredictable threat to public health and safety, as shown in the recent surge in COVID-19 cases both in the continental United States and the Virgin Islands. Accordingly, the Court finds that a continuance of the trial date in this case is in the best interest of justice.¹ As a multi-defendant case, this case presents significant challenges for the Court to comply with social distancing guidelines during the jury trial. Practical considerations would require additional spacing for

¹ There is also a motion pending disposition by the Court: Defendant Lodwin Ashton's *Motion to Suppress*, filed December 29, 2021. (ECF No. 92.) The Speedy Trial Act also excludes "[a]ny period of delay resulting from other proceedings concerning the defendant, including . . . (D) delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion. . . ." 18 U.S.C. § 3161(h)(1).

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Defendants, counsel, and jurors—and the potential for additional jurors in the courtroom. As such, the Court finds that extending the period within which Defendants may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendants, the jury, the prosecutors, the witnesses, the Court's personnel, and the general public at large.

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through July 11, 2022, shall be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the parties shall file and serve a pre-trial brief no later than July 5, 2022 which shall include the following: (a) proposed list of witnesses; (b) proposed list of exhibits; (c) estimated length of case-in-chief and case-in-defense; (d) proposed non-standard *voir dire* questions; and (e) proposed non-standard jury instructions related to the elements of the charges and defenses; it is further

ORDERED that the parties shall provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits no later than July 6, 2022;² and it is further

ORDERED that the jury selection and trial in this matter previously scheduled for January 19, 2022, are **RESCHEDULED** to commence promptly at 9:00 A.M. on July 11, 2022, in St. Thomas Courtroom 1.

Dated: December 30, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

² Counsel are advised to consult with Court technical staff to determine the proper format for saving electronic versions of exhibits. The Government's trial exhibits shall be labelled sequentially beginning with Government's Exhibit 1. Defense exhibits shall be labelled sequentially beginning with Defense Exhibit A.