

**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-LEVERET,	)	
and ANDREW WILSON	)	
	)	
Defendants.	)	
	)	

ORDER

THIS MATTER COMES before the Court on the United States' *Motion to Continue Trial*, filed June 29, 2022. (ECF No. 144.) Also before the Court is Defendant Lodwin Ashton's *Motion to Suppress*. (ECF No. 92.) For reasons stated herein, the Court will continue the jury selection and trial scheduled for July 11, 2022, to November 14, 2022.

This matter commenced on October 15, 2021, when the United States (the "Government") filed a criminal complaint charging Lodwin Ashton ("Ashton"), Matthew Hazel ("Hazel"), Jose Solano ("Solano"), Cesar Thomas-Leveret ("Thomas-Leveret"), and Andrew Wilson ("Wilson") (collectively, the "Defendants") with conspiracy to possess with intent to distribute cocaine. (ECF No. 1.) The Government filed an Information on November 12, 2021, charging the Defendants with conspiracy to possess and possession with intent to distribute cocaine, as well as a host of firearms charges. (ECF No. 62.) On December 29, 2021, Defendant Ashton filed a Motion to Suppress the loaded semiautomatic handgun and ammunition retrieved from a Jeep following his arrest on October 14, 2021, in addition to two cellular phones seized from Defendant Ashton or the Jeep on even date. (ECF No. 92.) Thereafter, a federal grand jury returned an Indictment against the Defendants on March 3, 2022, charging each with one count of conspiracy to possess with intent to distribute a controlled substance. The Indictment further charged Hazel with one count of possession with intent to distribute five (5) kilograms or more of cocaine; and charged Ashton and Hazel

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with one count each of possession of a firearm in furtherance of a drug trafficking crime and possession of a firearm by a prohibited person. (ECF No. 1.)

On June 29, 2022, the Government filed a motion to continue the trial, currently scheduled for July 11, 2022. (ECF No. 144 at 1.) The Government argues that the evidentiary hearing on Ashton's motion to suppress is still pending. In addition, the Government asserts that "the parties await the translation transcripts from Spanish to English of certain transactions." *Id.* ¶ 2. Counsel for the Government represents that counsel for Defendant Ashton "has no objection to [the] motion," but that counsel for Defendants Wilson and Hazel do object. Counsel for Defendants Solano and Thomas-Leveret had not responded to the Government at the time the Government's motion to continue trial was filed. *Id.* ¶ 4.

In response to the Government's motion, Defendant Hazel filed an opposition, arguing that the Government "failed to comply with the requirements of LRCR 12.5 and for that reason alone, the Motion must be denied." (ECF No. 145 at 1.) Further, Hazel argues that the Government "does not offer any good cause as to why the trial scheduled in this matter should be delayed." *Id.*

Here, Ashton's *Motion to Suppress*, filed December 29, 2021, is pending disposition by the Court. Although the Government also requests the continuance to provide time to receive transcripts, the Government does not represent to the Court when such transcripts were requested or why they did not receive them timely. Thus, the Court is unable to determine whether the Government was diligent in seeking the translated transcripts. Moreover, the Court agrees with Hazel that the Government did not comply with Local Rule 12.5 and advises all parties to strictly comply with such requirements in all filings. However, as the evidentiary hearing on the *Motion to Suppress* remains pending, the Court will continue the July 11, 2022 jury selection and trial on this basis.¹ Pursuant to 18 U.S.C. § 3161(h)(1)(D),²

¹ Ashton's *Motion to Suppress* was filed on Dec. 29, 2021. The Court notes that pursuant to the Court's *Orders Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak*, the Chief Judge suspended certain in-person proceedings for the months of January through February and June of 2022.

² The Speedy Trial Act specifically excludes any period of "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)(D).

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the Court will exclude any period of delay from July 11, 2022, to November 14, 2022, from the speedy trial clock.

The premises considered, it is hereby

ORDERED that an evidentiary hearing on Defendant Lodwin Ashton's *Motion to Suppress*, ECF No. 92, **SHALL** commence promptly at 9:30 A.M. on September 8, 2022, in St. Thomas Courtroom 1; it is further

ORDERED that the Government's *Motion to Continue Trial* (ECF No. 144) is **GRANTED**; it is further

ORDERED that the Jury Selection and trial in this matter previously scheduled for July 11, 2022, are **RESCHEDULED** to commence promptly at 9:00 A.M. on November 14, 2022, in St. Thomas Courtroom 1.

Dated: July 6, 2022

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