

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

IDESHA STERROD,

Defendant.

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Case No. 3:20-cr-0032

ORDER

BEFORE THE COURT is the is the motion of Idesha Sterrod ("Sterrod") to continue the April 19, 2021 trial in this matter. (ECF No. 46.) For the reasons stated herein, the time to try this case is extended up to and including May 24, 2021.

On September 3, 2020, the United States filed an information against Sterrod charging her with three counts: (1) conspiracy to possess with intent to distribute fifty kilograms and more of marijuana in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C); (2) possession with intent to distribute 50 kilograms and more of marijuana in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); and (3) use of a minor in a drug offense in violation of 21 U.S.C. §§ 861(a)(1) and (b).

Thereafter, on December 3, 2020, a federal grand jury returned an indictment against Sterrod charging her with three counts: (1) conspiracy to possess with intent to distribute fifty kilograms and more of marijuana in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C); (2) possession with intent to distribute 50 kilograms and more of marijuana in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); and (3) use of a minor in a drug offense in violation of 21 U.S.C. §§ 861(a)(1), (2), and (b). The trial is presently set to commence on April 19, 2021.

On April 6, 2021, Sterrod filed a motion to continue the trial date. (ECF No. 46.) As a basis for her request, Sterrod asserts that she is finalizing a plea agreement with the United States. *Id.* at 1. Sterrod further asserts that, because she has been residing in Georgia while on pretrial release, she is requesting a change of plea hearing in mid- to late-May which

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would allow her to purchase reasonably-priced tickets to fly to St. Thomas for the change of plea hearing. *Id.* at 1-2. As such, Sterrod requests to continue the trial date in this matter to accommodate these circumstances. Sterrod also represents that the United States does not oppose her motion to continue. *Id.* at 2.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice. Here, an extension of time is necessary to allow Sterrod time to finalize plea negotiations.

Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that “whether or not a case is ‘unusual’ or ‘complex,’ an ‘ends of justice’ continuance may in appropriate circumstances be granted.” *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994); *United States v. Dota*, 33 F.3d 1179 (9th Cir. 1994) (“An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial [even if the] case [i]s not ‘complex.’”); *see also United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) (“[T]he district court did not abuse its discretion when it delayed the trial to give counsel . . . opportunity to . . . decid[e] upon and prepar[e] an appropriate defense.”); *United States v. Brooks*, 697 F.2d 517, 522 (3d Cir. 1982) (holding there was no abuse of discretion where district court found that multiple count, multiple defendant “case was complex and required additional time for adequate preparation.”); *cf. United States v. Santiago-Becerril*, 130 F.3d 11, 17 (1st Cir. 1997) (explaining that, where a defendant had moved to continue his trial due to his counsel’s unavailability, the “period of delay” caused by an ends of justice continuance includes the time “reasonably required to schedule a new trial date” in “consideration of the court’s calendar”).

The premises considered, it is hereby

ORDERED that Sterrod’s motion to continue the trial in this matter, ECF No. 46, is **GRANTED** in part; it is further

ORDERED that the time beginning from the date of this order granting an extension through May 24, 2021, shall be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; and it is further

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ORDERED that the trial in this matter previously scheduled for April 19, 2021, is **RESCHEDULED** to commence promptly at 9:30 A.M. on May 24, 2021, in St. Thomas Courtroom 1 before District Judge Robert A. Molloy.

Dated: April 16, 2021

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