

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

|                                  |   |                              |
|----------------------------------|---|------------------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) |                              |
|                                  | ) |                              |
| <b>Plaintiff,</b>                | ) |                              |
|                                  | ) |                              |
| <b>v.</b>                        | ) | <b>Case No. 3:21-cr-0026</b> |
|                                  | ) |                              |
| <b>ELIJAH HAKIM,</b>             | ) |                              |
|                                  | ) |                              |
| <b>Defendant.</b>                | ) |                              |
|                                  | ) |                              |

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**ORDER**

**THIS MATTER** comes before the Court on Defendant Elijah Hakim’s (“Hakim”) Motion to Continue Trial, filed March 11, 2022. (ECF No. 47.) For the reasons stated herein, the time to try this case is extended up to and including August 15, 2022.

This case commenced with the United States (the “Government”) filing a criminal complaint on September 9, 2021, charging Hakim with Conspiracy to Possess with Intent to Distribute Fentanyl. (ECF No. 1.) The Court appointed the Office of the Federal Public Defender to represent Hakim on November 17, 2021.

On December 16, 2021, a federal grand jury returned a three-count Indictment charging Hakim with Conspiracy to Possess with Intent to Distribute Fentanyl, Possession with Intent to Distribute Fentanyl, and Using the Mail for Unlawful Activity, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), 846, and 18 U.S.C. § 1952(a)(3). (ECF No. 21.) On January 25, 2022, Hakim filed a Notice of Substitution of Counsel, having retained Attorney Lorenzo Palomares-Starbuck to represent him in this matter. (ECF No. 32.) Hakim was arraigned on February 2, 2022. Subsequently, the magistrate judge scheduled the trial to begin on March 21, 2022.

In consideration of the jury trial, on March 8, 2022, this Court directed the parties to file notice with the Court, indicating their readiness to proceed to trial. (ECF No. 46.) On March 11, 2022, counsel for Hakim filed the instant Motion to Continue Trial, representing that “discovery is incomplete” and that he “need[s] to retain a cell phone expert to review the [G]overnment’s summary reports and exhibits.” (ECF No. at 1.) As such, counsel requests

*United States v. Hakim*  
Case No.: 3:21-cr-0026  
Order  
Page 2 of 3

a continuance of ninety (90) days to prepare for trial. He further asserts that the Government is not opposed to the continuance.

On even date, the Government filed its notice with the Court, reporting that “a confirmatory fingerprint analysis is pending” and that “a confirmatory comparison” to prints in the FBI database should be complete the week of March 14, 2022. (ECF No. 48 at 1-2.) Additionally, the “lab notes and resumes of its experts [who are] scheduled to testify” will be provided to Hakim on Monday, March 14, 2022. *Id.* at 2. The Government states that, thereafter, the parties will need to discuss whether further discovery will be sought and will also need time to engage in plea negotiations.

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 Hakim sufficient time to complete discovery and retain an expert to analyze the Government’s exhibits and reports, some of which has yet to be provided. 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.”).

The premises considered, it is hereby

**ORDERED** that Defendant Hakim’s Motion to Continue Trial, ECF No. 47, is **GRANTED**; it is further

**ORDERED** that the time beginning from the date of this order granting an extension through August 15, 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

*United States v. Hakim*  
Case No.: 3:21-cr-0026  
Order  
Page 3 of 3

**ORDERED** that the jury selection and trial in this matter previously scheduled for March 21, 2022, are **RESCHEDULED** to commence promptly at 9:00 A.M. on August 15, 2022, in St. Thomas Courtroom 1 before Chief Judge Robert A. Molloy.

A trial management order will be filed separately.

**Dated:** March 14, 2022

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