

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

UNITED STATES OF AMERICA,

Plaintiff,

V.

WESLY ALBERT AMARO and BRIAN SANTIAGO GONZALEZ,

Defendants.

Case No. 3:22-cr-0021

ORDER

BEFORE THE COURT is the Jury Selection and Trial in this matter currently scheduled for June 27, 2022. On May 18, 2022, the United States (the “Government”) moved for an extension of the discovery deadline and an extension under the Speedy Trial Act, citing the need for additional time for diligent preparation. *See* ECF No. 43. Defendants do not object to this request. *See* ECF No. 45, 46. For the reasons stated herein, the Government’s motion is granted, the discovery deadline will be extended *nunc pro tunc* to June 30, 2022, and the time to try this case is extended up to and including January 9, 2023.

In response to the current conditions in the COVID-19 pandemic, the undersigned, as Chief Judge of the District Court of the Virgin Islands, issued a general order concerning operations of the Court on May 30, 2022, tentatively pausing the resumption of jury trials in the district. The Court hereby fully incorporates the findings from the Court's Thirty-Eighth Operations Order as fully stated herein.

To date, the COVID-19 virus has claimed more than 1,010,000 lives in the United States (118 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. While the number of fatalities in the territory have not increased commensurately, the Court is wary that such a drastic spike in active cases may well precede a rise in COVID-19 related fatalities by several weeks. Further, the Court is cognizant of the significant spike in COVID-19 cases that immediately followed the events of St. Thomas Carnival. With St. John Celebration scheduled to commence June 30, 2022, with a similar lineup of events and gatherings, the Court is cautiously pessimistic as to the immediate future with regard to the spread of COVID-19 in the territory. As such, the Court finds that extending the period within which

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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 Government's motion for an extension of the discovery deadline, ECF No. 43, is **GRANTED**; it is further

ORDERED that the discovery deadline in this case is extended to June 30, 2022; it is further

ORDERED that the motions deadline in this case is extended to July 14, 2022; it is further

ORDERED that the time beginning from the date of this order granting an extension through January 9, 2023, **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 each file a notice of readiness for trial no later than December 30, 2022.

ORDERED that the parties **SHALL** file and serve a pre-trial brief no later than close of business on December 30, 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 January 4, 2023;¹ and it is further

ORDERED that the Jury Selection and Trial in this matter **SHALL** commence promptly at 9:00 a.m. on January 9, 2023, in St. Thomas Courtroom 1.

Dated: June 24, 2022

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

¹ 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.