

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:24-cr-0010
	)	
ANWAR LOCKHART,	)	
	)	
Defendant.	)	

ORDER

BEFORE THE COURT is Defendant's Unopposed Motion to Continue Trial Date. (ECF No. 29.) For the reasons stated herein, the Court will continue the trial in this matter until October 21, 2024. The Court finds that the time beginning from the date of this Order through October 21, 2024, shall be excluded in computing the time within which the trial in this matter must be initiated.

On April 4, 2024, the Government filed a single-count Indictment charging Defendant with a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) (Distribution of cocaine). Defendant was arraigned on May 8, 2024. Initially, trial in this matter was scheduled for June 24, 2024. On June 18, 2024, the Court granted the Government's motion to continue trial to August 5, 2024.

Defendant seeks a continuance because, prior to rescheduling the trial date, his counsel committed to serving as faculty at a training program that conflicts with the current trial date, and she will be off island from August 2 to August 10, 2024, to honor that commitment. Defendant filed his Application and Checklist for Speedy Trial Extension, waiving his right to a speedy trial up to and including November 30, 2024. (ECF No. 28.)

While the Speedy Trial Act (the "Act") requires that defendants be tried within seventy days of indictment, the Act specifically excludes:

[a]ny period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

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18 U.S.C. § 3161(h)(1)(A). 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. Calhoun*, 276 F. App'x 114, 117 (3d Cir. 2008) (noting that, in *United States v. Santos*, 201 F.3d 953, 958–59 (7th Cir.2000), “denial of *unopposed* continuance was abuse of discretion where postponement was sought because defense counsel had a scheduling conflict; denial implicated right to choice of counsel as counsel was then forced to withdraw”).

The Court finds that the ends of justice served by extending the period in which the trial must begin in this matter outweigh the best interest of the public and the defendant in a speedy trial. Here, an extension of time is necessary to accommodate the scheduling conflict of Defendant’s counsel. The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through October 21, 2024, 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 Defendant’s Motion to Continue Trial Date, ECF No. 29, is **GRANTED**; it is further

ORDERED that the parties **SHALL** file their respective notices of readiness for trial no later than October 11, 2024; it is further

ORDERED that the parties **SHALL** file and serve a pre-trial brief no later than October 11, 2024, 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 October 16, 2024;¹ and it is further

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.

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ORDERED that the Jury Selection and Trial in this matter previously scheduled for August 5, 2024, are **CONTINUED** to commence promptly at 9:00 A.M. on October 21, 2024, in St. Thomas Courtroom 1.

Dated: July 9, 2024

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