

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:22-cr-0006
	)	
ALEJO OCASIO VENERIO and FRANKLYN GRULLON JORGE,	)	
	)	
	)	
Defendants.	)	
	)	

ORDER

BEFORE THE COURT is Defendant Alejo Ocasio Venerio’s Unopposed Motion to Continue Jury Selection and Trial, (ECF No. 41), currently scheduled for April 25, 2022. Also before the Court are the notices of all parties that they are not yet ready to proceed to trial. (ECF Nos. 40, 42, 43.) For the reasons stated herein, the time to try this case is extended up to and including October 10, 2022.

On April 14, 2022, Alejo Ocasio Venerio (“Venerio”) filed a motion to continue the trial date. (ECF N. 41.) As a basis for his request, Venerio argues that he needs time to review the recording of the deposition of a material witness of the United States (the “Government”) and to discuss its admissibility with the Government in preparation for trial. Further, Venerio asserts that he may then need time to file additional motions and to complete investigation in preparation for trial. Moreover, “[t]he parties are engaged in ongoing discussions for a potential resolution of this matter.” *Id.* at 1. Counsel for Venerio represents that she has consulted with counsel for the other parties, who have no objection to the motion.

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.” 18 U.S.C. § 3161(h)(1)(A).

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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.”); *see United States v. Graves*, 722 F.3d 544 (3d Cir. 2013) (“The Act excludes periods of delay ‘resulting from a continuance granted by a judge,’ as long as the judge has found ‘that the ends of justice’ served by the continuance ‘outweigh the best interest of the public and the defendant in a speedy trial.’”).

The Court finds that the ends of justice served by extending the period in which the trial must begin outweighs the best interest of the public and the defendant in a speedy trial. Here, an extension of time is necessary to allow Venerio sufficient time to prepare for trial.

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through October 10, 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

ORDERED that the parties **SHALL** file and serve a pre-trial brief no later than October 3, 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 October 5, 2022;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 April 25, 2022, are **RESCHEDULED** to commence promptly at 9:00 A.M. on October 10, 2022, in St. Thomas Courtroom 1.

Dated: April 21, 2022

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