

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal No. 2016-39
	)	
DELLANA MAGNER,	)	
	)	
Defendant.	)	
	)	

ATTORNEYS:

Ronald Sharpe, United States Attorney
Delia L. Smith, AUSA
United States Attorney's Office
St. Thomas, VI
For the United States of America,

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Richard Della Fera
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Fort Lauderdale, FL
Jeffrey B. Moorehead
St. Croix, VI
For defendant Dellana Magner.

ORDER

GÓMEZ, J.

Before the Court is the application of Dellana Magner ("Magner") to waive her speedy trial. For the reasons stated herein, the time to try this case is extended up to and including April 30, 2017.

While the Speedy Trial Act requires that a defendant be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest

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of justice for several reasons. First, without an extension, Wagner would be denied reasonable time necessary to explore plea options with her attorney. Second, the defendant made this request with the advice and consent of counsel.

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) (citing *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 though a case is not complex")); see also *United States v. Brooks*, 697 F.2d 517, 522 (3d Cir. 1982), *cert. denied*, 460 U.S. 1071 (1983) (no abuse of discretion where district court found that multiple count, multiple defendant "case was complex and required additional time for adequate preparation."); *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) ("district court did not abuse its discretion [by delaying trial] to give counsel . . . opportunity to . . . decid[e] upon and prepar[e] an appropriate defense.").

The premises considered; it is hereby

ORDERED that the time beginning from the date of this order granting an extension through April 30, 2017, shall be excluded

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in computing the time within which a trial must be initiated pursuant to 18 U.S.C. § 3161.

S\ _____
Curtis V. Gómez
District Judge