

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal No. 2020-27
	)	
GILBERTO ARANA WENCE,	)	
	)	
Defendants.	)	
	)	
	)	

ATTORNEYS:

Gretchen C.F. Shappert, United States Attorney
Alessandra Parisi Serano, AUSA
United States Attorney's Office
St. Thomas, U.S.V.I.
For the United States of America,

Gabriel J. Villegas, AFPD
Matthew A. Campbell, AFPD
Federal Public Defender's Office
St. Thomas, U.S.V.I.
For Gilberto Arana Wence,

ORDER

Before the Court is the application of Gilberto Arana Wence ("Wence") to waive his speedy trial. Wence also moves to continue the trial in this matter. For the reasons stated herein, the time to try this case is extended up to and including January 25, 2021.

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. First, an extension of time is necessary to allow Wence time to explore plea options and adequately prepare for trial. Further, Wence made his request with the advice and consent of counsel.

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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, e.g., 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 the time beginning from the date of this order granting an extension through January 25, 2021, shall be excluded in computing the time within which the trial for Gilberto Arana Wence Wence must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that Wence’s motion to continue, ECF No. 45, is **GRANTED**; and it is further

ORDERED that the jury trial in this matter previously scheduled for October 5, 2020, is hereby **RESCHEDULED** to commence promptly at 9:00 A.M. January 25, 2021, in Saint Thomas Courtroom 1 before District Judge Robert A. Molloy.

DATED: October 1, 2020

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