

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:22-cr-0015
	)	
PEDRO J. RAMOS-RAMIREZ, JOHNY ARIAS	)	
RODRIGUEZ and GERALD ALBERT CRUZ,	)	
	)	
Defendants.	)	
	)	

ORDER

BEFORE THE COURT is Defendant Pedro J. Ramos-Ramirez's ("Ramos-Ramirez") Motion to Continue the trial in this matter currently scheduled for October 3, 2022. (ECF No. 84.) For the reasons stated herein, the Court will grant the motion. The time to try this case is extended up to and including February 13, 2023.

On September 21, 2022, Defendant Ramos-Ramirez filed the instant motion to continue. *See* ECF No. 84. In his motion, Ramos-Ramirez asserts that his counsel was admitted to practice in this court *pro hac vice* on July 25, 2022. *Id.* at 1. Ramos-Ramirez asserts that counsel requires additional time to prepare for trial, including time to decide "whether any Pre-Trial Motions are warranted, and whether defendant Ramos-Ramirez will exercise his right to jury trial or enter a guilty plea." *Id.* Ramos-Ramirez further asserts that both his counsel and counsel for his co-defendants have calendar conflicts with the currently scheduled trial date. *Id.* The Government does not oppose this motion.

Under the Speedy Trial Act, courts should consider "[w]hether the failure to grant such a continuance in a case which . . . would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation." 18 U.S.C. § 3161(h)(7)(B)(iv).

Consistent with this concern, 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

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439, 444 (3d Cir. 1994) (finding that the district court had properly granted an “ends of justice” continuance to “permit plea negotiations to continue”); *see also United States v. Stallings*, 701 F. App'x 164, 170-71 (3d Cir. 2017)(upholding an ends of justice continuance based in part on counsel’s family emergency and scheduling conflicts); *cf. 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.’”).

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. Here, an extension of time is necessary to allow Ramos-Ramirez time to prepare his defense and participate in plea negotiations with the United States. An extension is further warranted to ensure continuity of counsel for the defendants, which would otherwise be compromised due to scheduling conflicts.

The premises considered, it is hereby

ORDERED that Defendant Pedro Ramos-Ramirez’s motion to continue, ECF No. 84, is **GRANTED**; it is further

ORDERED that the time beginning from the date of this order granting an extension through February 13, 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** file and serve a pre-trial brief no later than February 3, 2023, 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 February 8, 2023;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 previously scheduled for October 3, 2022, is hereby **CONTINUED** to commence promptly at **9:00 a.m. on February 13, 2023**, in St. Thomas Courtroom 1.

Dated: September 23, 2022

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