UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Ann Marie Donio
v.	:	Mag. No. 23-2051
ERIC RIVERA	:	**ORDER FOR CONTINUANCE**

1. This matter came before the Court on the joint application of Philip R. Sellinger, United States Attorney for the District of New Jersey (Daniel A. Friedman and Jason M. Richardson, Assistant U.S. Attorneys, appearing), and defendant Eric Rivera (Thomas Burke, Esq., appearing), for an order granting a continuance under 18 U.S.C. § 3161(h)(7)(A) through January 2, 2024.

2. This Court granted one § 3161(h)(7)(A) continuance previously in this case.

3. Counsel for the parties represented that this continuance is necessary for effective preparation and to permit the parties to attempt to resolve this case prior to indictment and thereby avoid a trial.

4. Counsel for the United States also represented that this continuance is necessary to prevent any more non-excludable days under § 3161(h) from expiring.

5. The defendant knows that he has the right under § 3161(b) to have this matter submitted to a grand jury within thirty days after his arrest.

6. The defendant, through counsel, has consented to this continuance.

7. FOR GOOD CAUSE, THIS COURT FINDS that this case should be continued for the following reasons:

a. The charges in this case result from a lengthy investigation, and the pre-indictment discovery the United States has voluntarily provided the defendant involves many documents and other materials that defense counsel requires adequate time to review.

b. Despite the exercise of diligence, therefore, the circumstances of this case require giving defense counsel a reasonable amount of additional time for effective preparation.

c. Both the United States and the defendant anticipate conducting plea negotiations and desire additional time to negotiate a plea agreement, which would render grand jury proceedings and a trial in this matter unnecessary.

d. Thus, the ends of justice served by granting the continuance and preventing any further non-excludable days from passing under § 3161(h) outweigh the best interest of the public and the defendant in a speedy trial.

IT IS, therefore:

ORDERED that this action is continued through January 2, 2024; and it is further

ORDERED that those days are excluded in computing time under the Speedy Trial Act of 1974; and it is further

ORDERED that nothing in this Order or the application prompting it is a finding or representation that less than 31 non-excludable days under § 3161(h) have expired.

10/13/2023
HON. ANN MARIE DONIO
United States Magistrate Judge

Dated: October 12, 2023

Form and entry consented to:

/s/ Daniel A. Friedman
Daniel A. Friedman
Assistant U.S. Attorney

Thomas Burke, Esq.
Counsel for Eric Rivera

/s/ Sara A. Aliabadi
Sara A. Aliabadi
Deputy Attorney-In-Charge, Camden