

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-20231-CR MIDDLEBROOKS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

CARLOS VAZQUEZ,
Defendant(s)

ORDER CONTINUING TRIAL

THIS CAUSE comes before the court pursuant to Defendant's Motion to Continue Trial (**D.E. 25**). Due to the representation of counsel, the need for additional time to receive and review discovery, the motion is **GRANTED in part**.

Due to the COVID-19 pandemic, jury trials in this District were continued until July 19, 2021. This case, as well as many other criminal and civil trials that were continued, will now have to be reset. In the resetting all of its trials, it is unlikely the Court will be able to act independently. Rather, the Court will likely have to coordinate with the other District Judges to arrange for the use of space within the Courthouse that can be used safely by jurors, attorneys, Court personnel and members of the public. In order for this Court and the other District Judges to be able to arrange for the resetting of jury trials in a fair and equitable manner, it is important that the Judges know which cases are actually going to require a trial and which are not. The parties to this case have had more than ample time to review the evidence, discuss possible resolution and evaluate whether this case can or should be resolved by way of a plea of guilty, or whether it requires a trial.

As a result, the parties are being put on notice that Qualification for Acceptance of Responsibility will be jeopardized if an intention to enter a plea of guilty is not announced of record on or before JULY 2, 2021. See United States Sentencing Commission Guidelines Manual, §3E1.1 application notes 1(h) and 6 ("[to] qualify under subsection (b)(2) the defendant must have notified authorities of his intention to enter a plea of guilty at a sufficiently early point in the process so that the government may avoid preparing for trial and

the court may schedule its calendar efficiently."); *United States v. Estrada*, 648 F. Appx. 797, 802 (11th Cir. 2016) (unpublished); *United States v. Smith*, 422 F.3d 715, 724-27 (8th Cir. 2005). Counsel shall notify Chambers and the Government by 3:00 pm on July 2, 2021 if Defendant will be changing his plea. (The change of plea does not have to be conducted by July 2, 2021, only an on the record statement by Defendant of an intention to do so.) By proceeding in this manner, the Court will know more definitively which cases will require a trial.

Therefore, the **Trial is rescheduled to begin on Monday, July 26, 2021 at 9:00 am before the undersigned in Miami.** For the reasons stated, the Court finds that the interests of justice outweigh the demands of the Speedy Trial Act. Therefore, it is

ORDERED AND ADJUDGED that the time between June 16, 2021 and July 26, 2021 is hereby excluded from Speedy Trial Act calculations.

DONE AND ORDERED at West Palm Beach, Florida, this 17th day of June, 2021.

A handwritten signature in black ink, appearing to read "Donald M. Middlebrooks", written over a horizontal line.

Donald M. Middlebrooks
United States District Judge

cc: Counsel of Record