

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 for Continuance (D.E. 38). Due to the representation of counsel, Defendant's health issues and the need for newly retained counsel to review discovery, the motion is GRANTED. The Trial is rescheduled to begin on **Monday, September 27, 2021 at 9:00 am in Miami.**

Per my previous Orders (D.E. 26 and 29), the Defendant was put on notice that Qualification for Acceptance of Responsibility would be jeopardized if an intention to enter a plea of guilty was not announced of record on or before July 2, 2021 and then extended to July 16, 2021. Due to Defendant retaining new counsel, the deadline for timely acceptance of responsibility is extended to AUGUST 31, 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the court may schedule its calendar efficiently."); United States v. Estrada, 648 F. Appx. 797, 802 (11th Cir. 2016) (unpublished); United States v. Smith, 422 F.3d 715, 724-27 (8th Cir. 2005).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 2:00 pm on August 31, 2021 if Defendant will be changing his plea. (The change of plea does not have to be conducted by August 31, 2021, only an on the record statement by Defendant of an intention to do so.) **Defendant is unlikely to receive the third point credit for timely acceptance of responsibility and any other credit for acceptance is in jeopardy if the August 31, 2021 deadline is not met.**

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 August 10, 2021 and September 27, 2021 is hereby excluded from Speedy Trial Act calculations.

DONE AND ORDERED at Miami, Florida, this 11th day of August, 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