

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 5:24-cr-317-VMC-AEP

DAVID ANTONETTI
_____ /

JOINT MOTION TO CONTINUE TRIAL

Defendant David Antonetti and the United States jointly move to continue trial currently set for the November 2024 trial calendar. The ends of justice are served by continuing trial because the parties are in the process of resolving this matter through a plea agreement. As a result, the parties respectfully ask that the Court enter an order continuing the November 2024 trial and set this matter for a status conference in January 2025.

Memorandum of Law

The Ends of Justice are Served by Continuing Trial

The Speedy Trial Act allows the Court to continue a criminal trial if the Court finds “that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). Among the factors to consider include whether not granting a continuance will likely “make a continuation of such proceeding impossible, or result in a miscarriage of justice”; whether the case is so complex “that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by [the

Speedy Trial Act]”; and whether not granting a continuance “would unreasonably deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” *See* § 3161(h)(7)(B); *see also United States v. Ragland*, 434 F. App’x 863, 866–67 (11th Cir. 2011) (affirming district court’s issuance of three sua sponte continuances where the court “timely and adequately explained its reasons for the continuances on the record”).

The ends of justice are served by continuing the November 2024 trial and outweigh the public’s interest in a speedy trial in this case because the parties are in the process of resolving this matter through a plea agreement. Additional time to draft, review, and finalize a plea agreement will allow the parties to ensure that this matter is successfully resolved. If a plea agreement is finalized, no need for a trial will exist. As a result, the Court should continue trial in the interests of justice.

Conclusion

The ends of justice are best served by continuing trial so that the parties may resolve this matter through a plea agreement. Therefore, the parties respectfully ask that the Court enter an order continuing the current November 2024 trial date. The parties request that the Court set this matter for a status conference in January 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 6, 2024, a copy of this document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ Diego M. Pestana

Diego M. Pestana