UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-20242-CR-ALTONAGA/TORRES

UNITED STATES OF AMERICA

v.

MARK SCOTT GRENON,
JONATHAN DAVID GRENON,
JORDAN PAUL GRENON, and
JOSEPH TIMOTHY GRENON,

Defendants.
_____/

GOVERNMENT'S MOTION TO CONTINUE TRIAL

On August 8, 2022, the Court *sua sponte* ordered that the Federal Bureau of Prisons ("BOP") complete psychological examinations of all four of the above-captioned defendants pursuant to 18 U.S.C. § 4241, for the purpose of determining whether each of the four defendants is competent to stand trial. (D.E. 85.) Trial is currently scheduled to begin on September 12, 2022. (D.E. 54.)

The undersigned Assistant United States Attorneys have conferred with the BOP supervisory attorney involved with designating these defendants for psychological examination, and with both of the forensic psychologists employed at the Federal Detention Center in Miami, Florida ("FDC Miami"), who have been assigned to complete two of the four ordered psychological evaluations. These BOP officials informed the undersigned that on August 9, 2022, Defendants Jonathan David Grenon and Jordan Paul Grenon were designated to FDC Miami for their psychological examinations. The BOP officials stated that FDC Miami will require 45 days to complete each of these defendant's evaluations and reports for the Court (comprising 30 days for the psychological examination followed by 15 days to prepare the report), meaning the reports

will not be provided to the Court prior to September 23, 2022. Once this process is complete, hearings may also need to be held pursuant to 18 U.S.C. § 4241 to determine whether each of these defendants is competent to stand trial.

The BOP officials further informed the undersigned that on August 11, 2022, defendants Mark Scott Grenon and Joseph Timothy Grenon were designated to a different BOP forensic facility for their psychological examinations, not FDC Miami. These two defendants will need to be transferred from FDC Miami to this other BOP forensic facility. Once the defendants are transferred, which could take several weeks, the designated BOP facility will similarly require 45 days to complete each of these defendant's evaluations and reports for the Court, with the 45 days beginning on the date the defendants arrive at the designated BOP facility. Upon completion of their psychological examinations, these defendants will then need to be transported back to FDC Miami, which could take an additional several weeks. Furthermore, as noted above, once these examinations are complete and the defendants are transferred back to FDC Miami, hearings may also need to be held pursuant to 18 U.S.C. § 4241 to determine whether each of these defendants is competent to stand trial.

In sum, it appears that the psychological examinations ordered by the Court will not be completed prior to the currently scheduled trial date of September 12, 2022, nor will the two defendants who were designated outside of Miami be physically present in Miami to stand trial on that date.

Therefore, the government hereby respectfully requests that the Court continue trial in this matter until after the Court-ordered competency hearings are completed. Clarity as to the trial date will allow out-of-state witnesses to avoid unnecessary travel to Miami in September in the event that the competency proceedings are not completed prior to September 12, 2022.

Specifically, the government respectfully requests that the Court continue trial in this matter until December 5, 2022, or December 12, 2022. This continuance would allow sufficient time to ensure that the competency proceedings be completed prior to trial. Moreover, the government has confirmed that all their expected trial witnesses are available to testify on these dates. The government also respectfully requests that the Court exclude this period of delay from speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(7)(A), on the basis of a finding that the ends of justice served by this continuance outweigh the best interest of the public and the defendants in a speedy trial.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 11, 2022, I caused a true and correct copy of the foregoing to be delivered via Certified Mail to *pro se* Defendants Mark Scott Grenon, Jonathan David Grenon, Jordan Paul Grenon, and Joseph Timothy Grenon at the Miami Federal Detention Center, Inmate Mail/Parcels, Post Office Box 019120, Miami, Florida 33101, and that I caused a true and correct copy of the foregoing to be delivered to standby counsel for each defendant via CM/ECF.

/s/ Michael B. Homer
MICHAEL B. HOMER
Assistant United States Attorney