

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 3:17-CR-121-TAV-HBG
)
HEMILISON AMAYA-AVILES,)
)
Defendant.)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the Court on January 3, 2017, for a scheduled pretrial conference and motion hearing on Defendant Amaya-Aviles' Motion to Continue Trial and to Extend Plea Deadline [Doc. 17], filed on December 28, 2017. Assistant United States Attorney William Allen Roach appeared on behalf of the Government. Attorney Joshua D. Hedrick represented Defendant Amaya-Aviles, who was also present and participated with the aid of an interpreter.

In his motion, the Defendant asks to continue the January 16 trial in this case because he needs additional time to confer with counsel about the potential resolution of the case. At the motion hearing, Mr. Hedrick stated that he had reviewed the motion to continue with the Defendant, who is waiving his speedy trial rights with respect to this motion. Mr. Hedrick stated that he needed additional time to complete plea negotiations and to prepare the case for trial.

AUSA Roach confirmed that the Government did not object to the requested trial continuance. The parties agreed on a new trial date of March 6, 2018.

The Court finds the motion to continue the January 16 trial date is unopposed and well-taken. The Court also finds that the ends of justice served by continuing the trial outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). A seven-week continuance is necessary in order to permit counsel time to confer with the Defendant and to prepare for trial. The Court finds that requiring the Defendant to proceed to trial on January 16 would deprive counsel of the reasonable time necessary to prepare effectively for trial even taking into account his acting with due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

Accordingly, the motion to continue the trial [**Doc. 17**] is **GRANTED**, and the trial of this matter is reset to **March 6, 2018**. The Court finds that all the time between the filing of Defendant Amaya-Aviles' motion on December 28, 2017, and the new trial date of March 6, 2018, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. See 18 U.S.C. § 3161(h)(1)(D) and -(7)(A)-(B). With regard to other scheduling in this case, the Court instructs the parties that all motions *in limine* must be filed no later than **February 19, 2018**. Special requests for jury instructions shall be submitted to the Chief District Judge no later than **February 23, 2018**, and shall be supported by citations to authority pursuant to Local Rule 7.4. The parties are to appear before the undersigned for a final pretrial conference on **February 26, 2018, at 2:00 p.m.** This date will also be the deadline for concluding plea negotiations and providing reciprocal discovery.

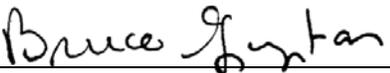
Accordingly, it is **ORDERED**:

- (1) Defendant Amaya-Aviles' Motion to Continue Trial and to Extend Plea Deadline [**Doc. 17**] is **GRANTED**;

- (2) The trial of this case is reset to commence on **March 6, 2018, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, Chief United States District Judge;
- (3) All time between the filing of the Defendant's motion on **December 28, 2017**, and the new trial date of **March 6, 2018**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) All motions *in limine* must be filed no later than **February 19, 2018**;
- (5) Special requests for jury instructions must be submitted to the Chief District Judge no later than **February 23, 2018**, and shall be supported by citations to authority pursuant to Local Rule 7.4;
- (6) The parties shall appear before the undersigned for a final pretrial conference on **February 26, 2018, at 2:00 p.m.**; and
- (7) The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **February 26, 2018**.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge