

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-20350-CR-MARTINEZ

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHANNA MICHELY GARCIA,

Defendant.

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**UNOPPOSED MOTION TO CONTINUE TRIAL  
AND ASSOCIATED DEADLINES**

Johanna Michely Garcia, through undersigned counsel, and unopposed by the government, respectfully moves to continue trial by 120 days from the current date of trial, and for a corresponding extension of all associated deadlines, including the pretrial motions and plea deadlines. In support thereof, she states the following.

1. Ms. Garcia is charged by way of indictment with one count of conspiracy to commit wire fraud and mail fraud, 18 counts of wire fraud, three counts of mail fraud, and seven counts of money laundering, relating to alleged conduct from June 2020 to August 2021. (DE 1).

2. This case was assigned to undersigned counsel and co-counsel on August 29, 2023. (DE 9, 10).

3. On September 21, 2023, the case was reassigned from former AUSA Eric Morales to AUSA Roger Cruz. (DE 18).

4. Trial is currently scheduled for the two-week period commencing on October 23, 2023. (DE 14).

5. The discovery in this case is extremely voluminous and has not yet been fully produced to the defense. For example, the government provided the first substantial discovery production two days ago, on October 10, 2023. The discovery includes, but is not limited to, an entire SEC file estimated to be over 14 terabytes of data, hundreds of emails estimated to be over 360 gigabytes of data, and hundreds of reports and other documents estimated to be about 70 gigabytes of data.<sup>1</sup>

6. Additionally, due to its size and format, undersigned counsel was unable to open or access much of the discovery production and required the assistance of IT specialists. As of filing, undersigned counsel has not yet been able to begin review of this discovery, and Ms. Garcia—who is detained at the Federal Detention Center (FDC) Miami—has not yet received let alone reviewed or discussed with counsel the evidence that has been produced thus far. Moreover, this discovery production is not in a searchable format or bates stamped, although the government has advised it intends to provide future discovery productions in a searchable and bates stamped fashion.

7. In sum, due to the extremely voluminous discovery, some of which was only recently provided and some of which remains outstanding, Ms. Garcia, through

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<sup>1</sup> Although it depends on the file types, one gigabyte of data can be considered the equivalent to enough paper to fill a small truck, and one terabyte of data roughly translates to 75 million pages.

counsel, is requesting a continuance to permit her and her counsel to review the discovery, conduct independent investigations and legal research, and otherwise prepare for trial in this important matter.

8. This request is made in good faith and not for purposes of unnecessary delay; it is in the interests of justice and would not interfere with the interest of Ms. Garcia or the public in the speedy resolution of this matter. As such, it is excludable time under the Speedy Trial Act, and Ms. Garcia agrees that the Court should make such a finding.

9. Undersigned counsel has conferred with AUSA Roger Cruz who advised that the government has no opposition to the relief requested herein.

WHEREFORE, Ms. Garcia respectfully requests that the Court continue trial by 120 days from the current date of trial and grant a corresponding extension of any plea and pretrial motions deadlines.

Respectfully Submitted,

MICHAEL CARUSO  
FEDERAL PUBLIC DEFENDER

By: /s/ Kate Taylor

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**CERTIFICATE OF SERVICE**

I HEREBY certify that on **October 12, 2023**, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

*/s/ Kate Taylor*\_\_\_\_\_

Kate Taylor

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\_\_\_\_\_ /

**[PROPOSED] ORDER**

**THIS CAUSE** came before the Court upon the Defendant's Unopposed Motion to Continue Trial and Associated Deadlines, ECF No. [ ]. The Court has reviewed the issues at hand and is otherwise fully advised in the premises.

After careful consideration, the Court finds that the ends of justice will be served by a continuance as to the Defendant set forth below, and that an extension outweighs the interest of the public and the Defendant in a speedy trial. Therefore, it is

**ORDERED and ADJUDGED** that the Motion is hereby **GRANTED**.

The previous calendar call and trial date are CANCELLED. Trial is this cause is reset during the two-week period commencing on \_\_\_\_\_, in United States Courthouse, Courtroom 10-1, 400 North Miami Avenue, Miami, Florida. Calendar Call will be held on \_\_\_\_\_, at United States Courthouse, Courtroom 10-1, 400 North Miami Avenue, Miami, Florida. All counsel must be present at the calendar call.

The Court finds that the period of delay resulting from the continuance—*i.e.*, from the date the Motion was filed, October 12, 2023, to and including the date trial commences—is excludable under the Speedy Trial Act. See 18 U.S.C. § 3161.

**DONE AND ORDERED**, in Chambers at Miami, Florida, on \_\_\_\_\_.

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**HON. JOSE E. MARTINEZ**  
**UNITED STATES DISTRICT JUDGE**

cc: All counsel of record  
U.S. Probation Office