

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-20350-CR-MARTINEZ

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHANNA MICHELY GARCIA,

Defendant.

_____ /

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

Johanna Michely Garcia, through undersigned counsel, and unopposed by the government, respectfully moves for a 60-day continuance of trial, and for a corresponding extension of all associated deadlines, including the pretrial motions and plea deadlines.

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. Trial is currently scheduled for the two-week period commencing on February 26, 2024. (DE 28).

3. The discovery in this case is, to put it mildly, extremely voluminous and reflects a multi-years-long financial investigation. The most recent, and most substantial, discovery production was provided in late December, 2023. That

discovery production was so voluminous that it required the government to send it out for processing—a process that took months—prior to producing it to the defense.

4. Additionally, once received, it has taken weeks for defense counsel's office to scan, upload, and process the discovery production in order to make it available to defense counsel and in such a format that it can be searched and meaningfully reviewed by defense counsel. Thus, defense counsel has, to date, still been unable to review the majority of the discovery received. Additionally, Ms. Garcia, who remains detained at FDC Miami, is unable to review the discovery on her own due to technological and logistical problems at FDC, leaving legal visits as the only time during which this review can take place.

5. Additionally, Ms. Garcia, through counsel, has started to discuss with the government the possibility of a resolution short of trial. However, undersigned counsel must be able to review the discovery in order to continue with these conversations, as well as to meaningfully advise Ms. Garcia regarding the evidence, possible motions and defenses, possible penalties, and the ultimate decision of how to resolve the case, as well as to be prepared for trial, should a resolution not be reached.

6. In sum, due to the extremely voluminous discovery, as well as the timing and format of its production, Ms. Garcia, through counsel, seeks a continuance so that she and her counsel have an opportunity to review the evidence in this case, to conduct any necessary investigation and/or legal research, continue discussions about a resolution short of trial, and to otherwise ensure that Ms. Garcia received the effective assistance of counsel in this important matter.

7. 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.

8. Defense counsel has conferred with AUSA Roger Cruz who advised that the government does not oppose this motion.

WHEREFORE, Ms. Garcia, through counsel and unopposed by the government, respectfully requests that the Court continue trial by 60 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
Kate Taylor
Assistant Federal Public Defender
Special Bar No. A5502484
150 W. Flagler Street, Suite 1700
Miami, Florida 33130
Tel: 305-530-7000
Email: kate_taylor@fd.org

CERTIFICATE OF SERVICE

I HEREBY certify that on February 20, 2024, 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, February 20, 2024, 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 _____.

HON. JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

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