

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

United States of America

v.

Criminal No. 3:08-cr-36-PJB

Anibal Acevedo Vila, et al.

O R D E R

Jury selection in this case will commence on February 9, 2009. In agreeing to postpone the trial beyond the 70-day period normally required by 18 U.S.C. 3161(c)(1), the court finds pursuant to 18 U.S.C. 3161(h)(8)(A) that, for the below-stated reasons, the ends of justice served in postponing the trial outweigh the best interests of the public and the defendants in a speedy trial.

Several factors referenced in 18 U.S.C. § 3161(h)(8)(B)(ii) lead me to conclude that the trial must be delayed until February 9, 2009. First, the case is both legally and factually complex. The 55-page indictment names 13 defendants and consists of 27 counts. Defense counsel have informed the court that they intend to file several dispositive motions raising novel and difficult

legal issues. Defense counsel require time to prepare their motions, the government will require time to respond, and the court will require significant time to give the motions the consideration they deserve.

The government has produced 70,000 pages of discovery material and has agreed to make approximately 600 additional boxes of discovery available for inspection. The charges set forth in the indictment span a significant time period and are the product of a lengthy investigation by the government. Defense counsel have explained that they will require time to review discovery, conduct their own investigations, and ready themselves for trial. In short, a delay of the trial until February 9, 2009 is needed to give defense counsel time to litigate dispositive motions and prepare for trial.

The proposed postponement is also warranted to address difficulties that the court anticipates that it would encounter if an attempt were made to select a jury during the final phase of the governor's re-election campaign. Media coverage of the pending charges has been pervasive. It will only intensify as the election date approaches. Holding the trial approximately 90 days after the election will increase the likelihood that the

court will be able to select an unbiased jury.

Setting the trial date for February 9, 2009 is also necessary to ensure the continuity of defense counsel. This case involves 13 defendants and approximately 30 attorneys. It has been estimated that it could take up to 13 weeks to try. Given the number of attorneys involved and the commitments that they have made to other cases, it would be extremely difficult to find a 13-week period during which all counsel will be available for trial before February 9, 2009. Counsel has agreed that they can all be available to try the case on February 9, 2009. This agreement is entitled to deference.

For the reasons stated above, it is hereby ordered that trial will commence on February 9, 2009.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge
Sitting by Designation

May 9, 2008

cc: Counsel of Record