

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

15-cr-379 (PKC)

ORDER

JUAN ORLANDO HERNANDEZ, et al.

Defendants.

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CASTEL, U.S.D.J.

The Court has received the January 10, 2024 letter (ECF 658) from retained counsel for defendant Juan Orlando Hernandez seeking a 30-45-day adjournment of the February 5, 2024 trial for “two (2) concurrent and serious pre-existing medical conditions” that are not specified in the letter. He claims he has been receiving medical care for these conditions “for more than twenty-four (24) months” and it has impaired his ability to review voluminous and continuing discovery.

Defense counsel’s letter annexes a letter from the defendant in which he seeks a seven-week adjournment of trial and new counsel appointed by the Court. He states that “[f]rom the beginning of this case, I have not had enough money to pay for a sufficient legal defense for this trial, considering the complexity and the terabytes of material.” He states that his counsel has not been able to review documents due to “COVID and other requirements on his time” and that the government continues to make documents available. Notably, the defendant’s letter was sent before counsel’s letter and bears two dates January 6 and January 9, 2024.

Retained defense counsel Raymond L. Colon, first appeared for defendant on April 21, 2022, a year and eight months before the latest adjournment application. Thus, his

unspecified medical conditions, by his account, had been known and under treatment at the time he entered an appearance. A second retained lawyer with a security clearance, Sabrina Shroff, entered an appearance on January 8, 2023 (ECF 506). Daniel Perez, a lawyer, has appeared with Mr. Colon as counsel for defendant. (ECF 432 Tr. at 1-2.) Mr. Colon is assisted by paralegals. (Id. at 8.) The Court also appointed Emma M. Greenwood as Coordinating Discovery Attorney for the three defendants, including Mr. Colon's client (ECF 544.)

On May 10, 2022, the Court tentatively scheduled the trial for January 17, 2023. (ECF 432 at 13.) On September 19, 2022 at the joint request of the parties, including the volume of discovery and the need to invoke procedures under the Classified Information Procedures Act ("CIPA"), the trial date was moved to April 24, 2023 (ECF 476.) A schedule for pretrial submissions was set on November 15, 2022.

On January 3, 2023, three- and one-half months before the trial, the parties made a joint request to adjourn the April 24 trial because of the volume of discovery produced since June 2022 and the on-going CIPA procedures (ECF 501). The government sought to move the trial to June 2023 and the defendant sought to move it to July or August 2023. (Id.) At a January 10, 2023 conference, after hearing from the parties, the Court adjourned the trial to September 18, 2023 and set a schedule for final pretrial submissions.

On June 29, 2023, after hearing from the parties, including difficulties with the CIPA process, the Court adjourned the trial to February 5, 2024.

For the first time, twenty-six days before the trial, defense counsel seeks an adjournment for two unspecified medical conditions that were known to him at the time he first appeared in the case. Defense counsel does not explain the basis for his confidence that he

could try the case 30 to 45 days later.¹ Defendant's complaints about his lawyer and his inability to finance adequately his legal team given the freeze of his assets does not provide a basis for granting his eve-of-trial request for appointed counsel and an adjournment.

If defense counsel needs adjustments to the daily trial schedule to accommodate medical needs, the Court will take that up on a case by case basis.

Application (ECF 658.) is DENIED.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
January 11, 2024

¹ Of course, no 30-45 day adjournment would be possible given the Court's trial schedule and the likely schedules of other trial participants.