

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEPHANIE BARNES

Defendant.

CRIM. NO. 3:19-CR-47-RAM

Hon. Robert A. Molloy

**MOTION IN REFERENCE TO THE COURT'S ORDER (D.E. # 372)
SETTING DEADLINES FOR THE FILING OF CERTAIN POST-TRIAL
MOTIONS**

On January 5, 2022, counsel for the defendant filed an unopposed motion for extension of time to file a motion for Judgment of Acquittal under Federal Rule of Criminal Procedure 29. (D.E. # 371). The Court granted that motion on the day it was filed. (D.E. # 372). The Court's order granting the motion stated that Defendant "SHALL request the transcripts within five (5) days of the date of entry of this order" and "SHALL file any post-trial motions with the Court NO LATER THAN forty-five (45) days from receipt of the transcripts." (D.E. # 372).

The Court's docket reflects transcript requests made by defense counsel on January 11, 2022 and January 12, 2022. (*See* D.E. #s 374, 376, 377, 378).

However, after filing a request for a copy of whatever transcripts were ordered by Defendant on January 31, 2022, the undersigned Assistant United

States Attorneys were informed by the court reporter that defense counsel had not yet finalized his order for any transcripts. Communication with defense counsel was initiated, and the government was advised by defense counsel that he has faced logistical and technical difficulties in communicating with his incarcerated client regarding the significant cost associated with ordering the trial transcript. The government understands defense counsel's concerns regarding the cost of the transcript. However, a month has already passed since the Court granted defense counsel's motion for an extension of time to file the Rule 29 motion and the United States does not wish to see an open-ended continuance during which many more months might pass before defense counsel files his motion. A lengthy delay between the trial and briefing of the issues will be especially unhelpful if, in the end, Defendant decides not to incur the cost of ordering trial transcripts and instead relies (and thereby requires government counsel and the Court to rely) on memory when making claims about what transpired during trial.

Therefore, the United States respectfully requests that this Court set a deadline for Defendant to file her Rule 29 motion, and for the government to respond to that motion, and asks that said deadlines be irrespective of when defense counsel receives transcripts (if any are ordered after this date).

The United States emailed defense counsel on Friday, February 4, 2022 stating its intention to file this motion, and asking for defense counsel's position, but no response was subsequently received.

Dated: February 9, 2022

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