

THE LAW FIRM OF

**CÉSAR DE CASTRO, P.C.**

ATTORNEY AT LAW

The District  
111 Fulton Street - 602  
New York, New York 10038  
631.460.3951 Office  
646.285.2077 Mobile  
646.839.2682 Facsimile  
cdecastro@cdecastrolaw.com  
cdecastrolaw.com

April 3, 2023

***Via ECF***

The Honorable Brian M. Cogan  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States v. Garcia Luna* 19 Cr. 576 (BMC)

Dear Judge Cogan,

We write to respectfully request a three-month adjournment of the due dates for post-trial motions and the sentencing in the above captioned matter. The government objects to the requested adjournments.

On February 21, 2023, the Court set the following briefing schedule: (1) defense post-trial motions due on April 7, 2023; (2) government opposition due on May 5, 2023; (3) and defense reply due on May 19, 2023. On the same day, the Court also scheduled Mr. Garcia Luna's sentencing for June 27, 2023. We are respectfully asking that all dates contained in the post-trial motion briefing schedule, as well as the date of sentencing, be adjourned three months. The reason for the requested adjournments is to permit the defense to continue developing evidence in support of a potential Rule 33 motion.

Since the verdict, several individuals, including former law enforcement officials, have contacted us with potential new evidence favorable to the defense that could result in the filing of a Rule 33 motion in the short term. Following these numerous substantial leads, potentially filing a Rule 29 motion, and preparing for significant sentencing advocacy is too difficult. Rather than proceed with Mr. Garcia Luna's sentencing and initiation of an appeal which would divest the Court of jurisdiction to hear the motion until the Second Circuit granted a motion to remand the case to Your Honor as required by Rule 33(b)(1), the appropriate use of resources would be to simply adjourn the dates as we request. After all, the government is not prejudiced in any way — Mr. Garcia Luna is not at liberty and will remain detained.

Accordingly, we respectfully request that the dates contained in the post-trial briefing schedule and the date for sentencing all be adjourned three months.

Respectfully submitted,

/s/

César de Castro  
Valerie Gotlib  
Shannon McManus  
Florian Miedel

Cc: all counsel of record (via ECF)