

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,

Defendant.

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CASTEL, U.S.D.J.

The Court received an application by counsel for defendant at 8 p.m. on Friday February 9, 2024 for the appointment, pursuant to the Criminal Justice Act (“CJA”), of Sabrina Shroff as additional counsel to represent the defendant. (ECF 700.) Ms. Shroff has served as retained and cleared counsel to defendant for over a year (ECF 506) with her focus on issues that arise under the Classified Information Procedures Act (“CIPA”). In that capacity, she has become intimately familiar with the theory of the defense and the likely scope of defendant’s proposed testimony and has presented arguments to the Court regarding same in written and oral classified proceedings.

The Court on January 23, 2024 found defendant eligible for the appointment of counsel under the CJA and appointed Renato Stabile as additional counsel.

The Court deems it useful for cleared defense counsel to participate in the trial because of issues that are likely to arise. This would not be possible without a CJA appointment because of the defendant’s asserted lack of access to funds. Ms. Shroff is a member of the

Court's CJA Panel and the continuity of representation in these unique circumstances would be in the interests of justice.

Because of the nature, complexity and present status of the case, the Court grants the application to appoint Ms. Shroff pursuant to the CJA nunc pro tunc to January 23, 2024.

Separately, the Court has received the government's letter of today's date. The Court finds the proposal for an interval of "approximately two days" between jury selection and opening statements to be inconsistent with the Court's legitimate concern not to elongate jury service. Experience teaches that jurors prefer to sit five days a week for six-hour days so that a trial may be completed in a fair, timely and efficient manner. The momentum of a trial builds by having the openings of the parties and the calling of the first witness follow as nearly as is feasible the completion of jury selection. Laying out the true length of the trial, including the interval the length of which can only be approximated, reduces the pool of jurors willing to serve.

The trial will begin on February 20, 2024 at 9:30 a.m. There will be a teleconference at 3 pm on Sunday, February 11, 2024 (details to follow in an email) per the suggestion in the government's letter. The clerk of court is respectfully directed to terminate docket entry 700.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
February 10, 2024