

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 19-CR-20693-SEITZ

UNITED STATES OF AMERICA

v.

**PETER SOTIS and
EMILIE VOISSEM,**

Defendants.

_____ /

UNOPPOSED MOTION TO CONTINUE TRIAL

The United States of America, through the undersigned Assistant United States Attorney, files this Unopposed Motion to Continue the Trial of defendants Peter Sotis and Emilie Voissem, which is now currently scheduled to begin September 27, 2021. In support of this Motion, the United States avers the following:

1. On June 8, 2021, the Court held a status conference in this case and set trial to begin on October 12, 2021 [DE 66]. All parties and witnesses were free on that date and planned accordingly.
2. On Monday, August 23, 2021, the Court's courtroom deputy called the undersigned and defense counsel to determine if the trial could be moved to September 27, 2021. Undersigned agreed to confer with witnesses about their availability.
3. The undersigned learned that the Government's main witness, former Commerce Special Agent Brent Wagner is not available the week of September 27, 2021, and in fact is not available until October 1, 2021. Specifically, Brent Wagner is currently an acting chief at the

National Security Agency (NSA) and will remain as acting chief until October 1, 2021. Moreover, the week of September 27, Mr. Wagner is needed to brief the director of the NSA on national security matters and cannot testify at trial that week. Mr. Wagner is available anytime after October 1. Mr. Wagner is an indispensable witness in the Government's case who told the defendants that the rebreathers at issue were detained and could not be shipped, five days before the defendants willfully disregarded that and arranged for their shipment to Libya.

4. On August 25, 2021, undersigned left a voice message on the Court's number indicating the Government could not proceed the week of September 27 because of Mr. Wagner's unavailability. Today, August 27, 2021, the Court issued a scheduling order for trial to begin September 27, 2021 [DE 71].

5. The Government is available for trial the week of October 4, October 12 (the previously scheduled trial date), or anytime in November.

6. Undersigned has a one-week trial scheduled in *U.S. v. Baptiste*, 18-CR-20613-Martinez scheduled to begin October 25, 2021.

7. Undersigned has also conferred with defense counsel about their availability. Defense counsel for Emilie Voissem, Tony Moss, is unavailable on October 5 because he has oral argument in St. Croix in an omnibus hearing in a multi-week nine-defendant RICO/murder trial specially set for January 17, 2022. Mr. Moss is also unavailable November 30 to December 9 because of a planned prepaid trip.

8. Defense counsel for Peter Sotis, Bruce Udolf, is available anytime this year until December 6, 2021, at which time he is scheduled for trial in Puerto Rico.

9. Defense counsels Tony Moss and Bruce Udolf have no objection to the granting of

the continuance.

10. This Motion is not being filed for purposes of delay.

WHEREFORE, the United States requests this Court reset the trial for defendants to begin either the week of October 4 (if Mr. Moss's unavailability on October 5 can be accommodated), October 12 (as previously scheduled), or in November.

Respectfully submitted,

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ACTING UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the undersigned electronically filed the foregoing document with the Clerk of the Court using CM/ECF on August 27, 2021.

s/ Michael Thakur

MICHAEL THAKUR

ASSISTANT UNITED STATES ATTORNEY