

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-CR-151

FRANCISCO MARTINEZ,

Defendant.

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**MOTION TO ADJOURN SUPPRESSION HEARING**

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The United States of America, by and through its attorneys, Matthew D. Krueger, United States Attorney, and William J. Roach, Assistant United States Attorney, hereby requests that this Court adjourn the evidentiary hearing in the above case, currently scheduled for April 13, 2020. The government requests the Court schedule the case for a new evidentiary hearing in approximately 30 days.

As grounds for this motion, the government submits the following:

(1) Francisco Martinez filed motions challenging traffic stops of his car occurring in both Fond du Lac County by Wisconsin State Patrol Trooper Ackley in May 2019, as well as Arizona by Arizona State Patrol Trooper Callister in January 2019. In both cases, Martinez's car was searched and evidence was obtained that the government intends to use at trial.

(2) Martinez filed motions to suppress both stops and resulting evidence obtained. Those motions are currently scheduled for April 13, 2020, 10:00 am. The government is respectfully asking to adjourn this hearing as both State Troopers are necessary witnesses and

unable to attend because of travel prohibitions. Trooper Callister reports that his employer, the Arizona Department of Public Safety, prohibits the out of state travel of its employees due to the threat of contracting COVID-19. Further, Arizona Governor Ducey has imposed a stay-at-home order prohibiting travel that is not essential. This order extends to April 30, 2020. Trooper Ackley now resides and works in Florida as a law enforcement officer. Florida Governor DeSantis has also imposed a stay-at-home order for citizens until April 30, 2020. Both witnesses contend that travel under the current circumstances, which would include navigating several airports, potentially exposes them, and then family members, to coming in contact with COVID-19. Trooper Ackley reports that he resides with elderly relatives, a class particularly susceptible to the virus.

(3) The government has contacted Martinez's attorney, E.J. Hunt, who does not object to the adjournment.

(4) Based on the above reasons, the government requests the Court adjourn the evidentiary proceedings for approximately 30 days or until after the travel prohibition orders have expired.

Dated at Green Bay, Wisconsin, this 3rd day of April, 2020.

Respectfully submitted,

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