

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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**SECOND 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 May 28, 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 were initially scheduled for April 13, 2020, but the government requested they be adjourned as both State Troopers are necessary witnesses and unable to attend because of travel

prohibitions. Trooper Callister resides in Arizona and Trooper Ackley now resides and works in Florida as a law enforcement officer. Both witnesses advise that they should be able to travel in mid-June to Green Bay for an evidentiary hearing.

(3) The government has contacted Martinez's attorney, E.J. Hunt, and explored the possibility of the hearing proceeding on May 28<sup>th</sup> by Zoom or some other video conferencing application. Attorney Hunt and the government jointly agree that given the audio/video exhibits that likely will be offered at the hearing, as well as the credibility of witness findings the Court will be required to make, it will be necessary for an in-person motion hearing before the Court. Finally, because of the current General Order barring in person court hearings, both parties agree that an in-person hearing at this time poses a health risk to all involved.

(4) Based on the above reasons, the parties jointly request 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 15th day of May, 2020.

Respectfully submitted,

MATTHEW D. KRUEGER  
United States Attorney

By: s/William J. Roach  
Assistant United States Attorney  
William J. Roach Bar Number: 1018756  
Office of the U.S. Attorney-ED of WI  
205 Doty Street  
Green Bay, Wisconsin 54302  
Telephone: (920) 884-1067  
E-Mail: [william.j.roach@usdoj.gov](mailto:william.j.roach@usdoj.gov)