

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 18-cr-00573-WJM

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. MICHAEL MARTE,

Defendant.

**AMENDED GOVERNMENT'S MOTION TO UNRESTRICT INDICTMENT AND
ENTIRE CASE**

The United States of America, by and through Tim Neff, Assistant United States Attorney, hereby respectfully moves the Court, to unrestrict the underlying Indictment and entire case in the present case for the purposes as set forth herein.

In support of the request, the Government states as follows:

1. On December 6, 2018, an Indictment was returned against the Defendant in the above-captioned case. By operation of local rule D.C.Colo.LCrR 47.1(f)(2)(C) and (g)(1), the Indictment [#1] and related arrest warrant were restricted to Level 3 which limits access to such documents to the Court and U.S. Attorney's Office until such time of the Defendant's arrest. It appears at the present time that the entire case also remains restricted. Such restriction

is in place, for among other things, to prevent defendants from fleeing from law enforcement and thus thwart arrest.

2. Federal agents have been unable to secure the Defendant's return to the U.S. since his Indictment. However, the Defendant was arrested by law enforcement authorities in the Caribbean country Sint Maarten (Dutch side) on December 27, 2018, and he is currently being detained there. The Defendant was arrested based on a provisional arrest warrant, secured in connection with the underlying Indictment. The U.S. Department of Justice, through the Office of International Affairs ("OIA"), has made a formal extradition request to Sint Maarten authorities seeking the return of the Defendant to the U.S. to face charges on the pending Indictment.
3. In connection with such proceedings, OIA and the U.S. Department of State have requested that the Indictment and the entire case in the present matter be unrestricted. Because the Defendant is now in custody and is aware of the Government's Indictment, the original purposes for keeping the Indictment and the entire case restricted no longer exists. In order for the Government to complete the formal extradition proceedings, it is now necessary for various governmental authorities (both in the U.S. and Sint Maarten) to make use of and refer to the Indictment and case pleadings in the public sphere and court matters. In order to do so, the Indictment and entire case needs to be unrestricted.
4. Accordingly, the Government is requesting that the Court authorize that the

Indictment and other case pleadings in the file in the present case no longer be restricted.

WHEREFORE, the Government prays that the Court grant the Government's Motion to unrestrict the Indictment and entire case.

Respectfully submitted this 21st day of February, 2019.

JASON R. DUNN
United States Attorney

s/ Tim Neff
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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/ Annah Hillary _____

Annah Hillary

Legal Assistant

U.S. Attorney's Office