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JS-6

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAFAEL CARO QUINTERO, et al.,
- JUAN JOSE BERNABE-RAMIREZ
(10),

Defendants.

No. CR 87-422-JAK-10

No. CV 19-05491-JAK

JUDGMENT

IT IS THE JUDGMENT OF THIS COURT, for the reasons stated in this Court's order dated July 29, 2020 ("Order" (CR Dkt. 4440))¹, defendant/petitioner Juan Jose Bernabe-Ramirez's ("defendant's") motion to vacate, set aside, or correct sentence filed pursuant to 28 U.S.C. § 2255 ("Motion" (CV Dkt. 1 and CR Dkt. 4427)) is hereby GRANTED and JUDGMENT SHALL BE ENTERED.²

¹ "CR Dkt." refers to the court criminal docket in United States v. Caro-Quintero, et al., case number CR 87-422-JAK, U.S. District Court for the Central District of California, and is followed by the docket entry. "CV Dkt." refers to the court civil docket in Juan Jose Bernabe Ramirez v. United States, case number CV 19-05491-JAK, U.S. District Court for the Central District of California, and is followed by the docket entry.

² Entry of judgment on the Motion was deferred (and the Order was not final), until the entry of this Judgment. (CR Dkt. 4440, pg. 18)

1 IT IS THE JUDGMENT OF THIS COURT, for the reasons stated in the
2 Order, that the convictions and sentence in United States v. Juan
3 Jose Bernabe-Ramirez, case number CR 87-422-JAK-10, U.S. District
4 Court for the Central District of California, are VACATED as to the
5 three counts for which defendant was convicted: Count Three, which
6 charged violent crimes in aid of racketeering activity ("VICAR"), in
7 violation of 18 U.S.C. §§ 371, 1959, 2; Count Six, which charged
8 kidnapping of a federal agent, in violation of 18 U.S.C.
9 §§ 1201(a)(5), 2; and Count Eight, which charged accessory after the
10 fact, in violation of 18 U.S.C. § 3.³ Defendant is granted a new
11 trial as to each of these three convictions.

12 THE COURT HEREBY FINDS, pursuant to the Bail Reform Act, 18
13 U.S.C. § 3142(f), that no condition or combination of conditions
14 would assure the safety of the community and the on-going appearance
15 of defendant in this case, and defendant is therefore ordered
16 DETAINED without bond pending any new trial. These findings are
17 based on the nature of the charges in this case (namely, VICAR murder
18 conspiracy and kidnapping charges), and the lack of any lawful status
19 of defendant in the United States known to the Court. The Court is
20 sufficiently familiar with defendant's circumstances based on its
21 review of the record of this case to make this finding. This order
22 of detention is without prejudice.

23 IT IS ORDERED, pursuant to 18 U.S.C. § 3161(e), any such trial
24 on the three counts is to commence within 180 days of the entry of
25

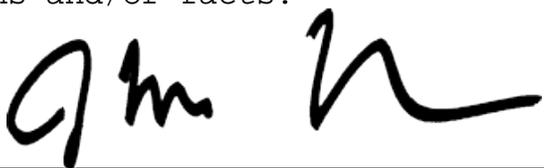
26 ³ The counts in the January 31, 1990 sixth superseding
27 indictment (CR Dkt. 742) were renumbered on August 17, 1990 (CR Dkt.
28 3246) after Count Three of the sixth superseding indictment was
dismissed. This Judgment refers to the counts in the sixth
superseding indictment, as renumbered.

(footnote cont'd on next page)

1 this Judgment.⁴ Given the last trial against defendant on the three
2 aforementioned counts occurred over 27 years ago, the government (and
3 most likely the defendant) will need this additional time to locate
4 witnesses and evidence due to the passage of significant time.
5 Within ten (10) court days of the entry of this Judgment, the
6 Government shall submit proposed findings of fact and conclusions of
7 law pursuant to the Speedy Trial Act and 18 U.S.C. § 3161. This
8 Judgment does not preclude either party from seeking an order from
9 the Court for a finding of additional excludable time under the
10 Speedy Trial Act based on other reasons and/or facts.

11
12 September 9, 2020

13 DATE


14 John A. Kronstadt
15 United States District Judge

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22 ⁴ The Speedy Trial Act, and specifically 18 U.S.C. § 3161(e),
23 states in relevant part:

24 If the defendant is to be tried again following an
25 appeal or collateral attack, the trial shall commence
26 within seventy days from the date the action occasioning
27 the retrial becomes final, except that the court retrying
28 the case may extend the period of retrial not to exceed one
hundred and eighty days from the date occasioning the
retrial becomes final if unavailability of witnesses or
other factors resulting from passage of time shall make trial
within seventy days impractical.