

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:21-cr-00047-RDM

HECTOR VARGAS,

Defendant.

DEFENDANT'S MOTION FOR LEAVE TO BE ABSENT FROM THE REMAINDER OF TRIAL

Pursuant to Federal Rule of Criminal Procedure 43(b)(2), Defendant Hector Vargas, through counsel, respectfully requests leave to be absent for the remainder of trial. In support of this Motion, Defendant states as follows:

1. The presentation of evidence in the Defendant's case has concluded, and the jury is deliberating.
2. Defendant is homeless, but became employed in October 2022, driving a box truck for a trucking company, picking up and delivering packages (e.g., delivering purchases from Amazon.com). Because he is homeless, Defendant has been sleeping in his truck.
3. Defendant has been absent from work during the four days of this trial. Defendant fears that he will lose his employment if he is required to miss more time.
4. Defendant rented a car to drive from his home in New Jersey to the District of Columbia. Because he is being charged for the car rental on a daily basis, the cost of the rental continues to mount.

5. Given the nature of his job, Mr. Vargas can, if necessary, be available on 10 minutes notice to participate in a video conference call with the Court.

WHEREFORE, Defendant respectfully requests that the Court grant him leave to be absent for the remainder of trial.

Date: December 9, 2022

Respectfully submitted,

/s/ Paul F. Enzinna
Ellerman Enzinna Levy PLLC
1050 30th Street, NW
Washington, DC 20007
202.753.5553
penzinna@eellaw.com

Nandan Kenkeremath
DC Bar No. 384732
2707 Fairview Court
Alexandria, Virginia 22311
703-407-9407
nandank@comcast.net

Counsel for Defendant Hector Vargas

CERTIFICATE OF SERVICE

I certify that on December 9, 2022, a copy of the foregoing Defendant's Motion for Leave to be Absent from the Remainder of Trial was filed using the CM/ECF system, which will then send notification of such filing to all counsel of record.

Dated: December 9, 2022

Respectfully submitted,

/s/ Paul F. Enzinna
Ellerman Enzinna Levy PLLC
1050 30th Street, NW
Washington, DC 20007
202.753.5553
penzinna@eellaw.com

Counsel for Defendant Hector Emmanuel Vargas Santos