

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIK HERRERA

Defendant.

Case No. 1:21-CR-00619-BAH

**UNOPPOSED MOTION TO PERMIT DEFENDANT TO APPEAR FOR
THE AUGUST 5, 2022 PRETRIAL CONFERENCE BY VIDEOCONFERENCE**

Defendant Erik Herrera, by and through his attorneys of record Jonathan K. Ogata and Cuauhtemoc Ortega, of the Office of the Federal Public Defender for the Central District of California, hereby respectfully requests that he be permitted to appear for the Pretrial Conference scheduled for August 5, 2022 at 10:00 a.m. by videoconference. In support of his request, counsel represents the following:

1. On May 10, 2022, the Court issued a minute order setting pretrial deadlines and scheduling a Pretrial Conference for August 5, 2022, at 10:00 a.m. The Court directed the parties to appear in person. Defense counsel will both appear for the Pretrial Conference in person.

2. Mr. Herrera respectfully requests that he be permitted to appear by videoconference because he is unable to afford the costs of airfare and lodging. Lodging may be necessary because Mr. Herrera resides in the Southern District of California and the hearing is scheduled to begin in Washington, D.C. in the morning. Mr. Herrera has asked family to assist with travel expenses for his case. He is hoping, however, to apply whatever assistance his family is able to afford toward the greater travel and lodging costs he will incur during trial. Trial is scheduled to begin on August 15, 2022, at 9:00 a.m.

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3. Defense counsel's office contacted the United States Marshal's Service (USMS) regarding arranging travel for Mr. Herrera for the August 5, 2022, hearing. The USMS informed defense counsel's office that it would purchase one-way airfare for Mr. Herrera, and that it would not purchase lodging. Defense counsel's office also contacted the Federal Public Defender's Office in Washington, D.C., to inquire whether it has any arrangements in place to provide out-of-district defendants with financial assistance for travel; it does not. Defense counsel's office does not have a budget to cover travel costs for defendants, either.

4. If permitted to appear for the Pretrial Conference by videoconference, Mr. Herrera will appear from defense counsel's office where staff will be present to assist with the connection. Mr. Herrera has previously appeared for hearings before the Court by videoconference.

5. The United States does not object to Mr. Herrera appearing by videoconference for the Pretrial Conference.

6. Alternatively, Mr. Herrera respectfully requests that the Court order the USMS to arrange for roundtrip airfare from the Southern District of California to Washington, D.C., and if necessary, one night of lodging, so that he may appear at the Pretrial Conference in person.

Respectfully submitted,

DATED: July 25, 2022

By */s/ Jonathan K. Ogata & Cuauhtemoc Ortega*

CUAUHTEMOC ORTEGA
Federal Public Defender
JONATHAN K. OGATA
Deputy Federal Public Defender
Bar No. 325914
411 West Fourth Street, Suite 7110
Santa Ana, California 92701-4598
Telephone: (714) 338-4500
E-Mail: Jonathan_Ogata@fd.org