United States Court of Appeals
For the First Circuit

No. 20-1814

UNITED STATES

Appellee

v.

SALLY LOPEZ-MARTINEZ

Defendant - Appellant

Before

Selya, Barron and Katzmann*
Circuit Judges.

JUDGMENT

Entered: December 4, 2020

This matter is before the Court on, inter alia, Sally López Martínez's appeal from the denial of her Motion for Bail Pending Appeal, which she filed in the U.S. District Court for the District of Puerto Rico on June 4, 2020, and which the District Court denied on July 21, 2020. Pursuant to 18 U.S.C. § 3143(b), the panel has determined that López Martínez's appeal in her criminal case, No. 17-1924, raises a substantial question of law likely to result in an order for a new trial. We refer specifically to a potential abuse of discretion by the District Court in denying Appellant's mid-trial motion to sever her trial from that of her co-defendants. We also find unpersuasive the Government's contention that López Martínez is a flight risk and note that the record shows that she complied with all pretrial bail conditions and that the District Court allowed her to voluntarily surrender to the U.S. Marshals on the underlying charges.

In light of our determination, we reverse the District Court's denial of Appellant's Motion for Bail Pending Appeal. This aspect of the case is remanded to the District Court so that appropriate conditions of release can be set. The merits appeal shall proceed in the normal course, with this Court retaining jurisdiction. We remind the parties that the determinations described herein reflect the relevant standard of likelihood. They are not final.

* Of the United States Court of International Trade, sitting by designation.

By the Court:

Maria R. Hamilton, Clerk

cc:
Hon. Pedro A. Delgado-Hernandez
Maria Antongiorgi Jordan, Clerk, United States District Court for the District of Puerto Rico
Leticia Pabon Ortiz
Linda A. Backiel
Sally Lopez-Martinez
Thomas F. Klumper
Timothy R. Henwood
Jose Capo-Iriarte
Myriam Yvette Fernandez-Gonzalez
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