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8 Attorney for Defendant ROY DREES

9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 THE UNITED STATES OF AMERICA,)	Case No. 1:21-CR-00023-JLT-SKO
)	
12 Plaintiff,)	JOINT STATUS REPORT AND
13 vs.)	STIPULATION TO SCHEDULE TRIAL
)	AND EXCLUDE TIME; ORDER
14 ROY DREES et al.,)	
)	Date: March 29, 2023
15 Defendant.)	Time: 1:00 p.m.
)	Court: Hon. Sheila K. Oberto

17 This matter is set for status conference on March 29, 2023. As set forth below,
18 the parties now move, by stipulation, to vacate the status conference hearing set for
19 March 29, 2023, and schedule a jury trial on March 19, 2024 before the Honorable
20 Jennifer L. Thurston, and to exclude time period between March 29, 2023 and March
21 19, 2024 under the Speedy Trial Act.

22 **STIPULATION**

23
24 Defense Counsel, Serita Rios, and Assistant United States Attorney, David
25 Gappa, hereby stipulate as follows:

- 26 1. By previous order, this matter was set for a status conference hearing on
- 27 March 29, 2023.

28 **JOINT STATUS REPORT AND STIPULATION TO SCHEDULE TRIAL AND EXCLUDE TIME;
ORDER**

1 2. Through this stipulation, the parties agree to vacate the currently
2 scheduled status conference and schedule the matter for trial on March 19, 2024.

3 3. The defendant agrees to exclude time between March 29, 2023, and
4 March 19, 2024.

5 4. The parties agree and stipulate, and request that the Court find the
6 following:

7 a. The parties anticipate that the case will resolve in the near future.

8 b. In February 2023, the defendant underwent a psychological
9 forensic examination. A report of the psychologists' findings was just recently
10 provided to defense counsel.

11 c. Counsel for defendant desires additional time to consult with the
12 defendant and the psychologist regarding the psychologist's' findings and to further
13 discuss a potential resolution with the government.

14 d. Counsel for defendant believes that failure to grant the above-
15 requested continuance would deny them the reasonable time necessary for effective
16 preparation, taking into account the exercise of due diligence.

17 e. The government does not object to the continuance.

18 f. Based on the above-stated findings, the ends of justice served by
19 continuing the case as requested outweigh the interest of the public and the
20 defendant in a trial within the original date prescribed by the Speedy Trial Act.
21

22 g. For the purpose of computing time under the Speedy Trial Act, 18
23 U.S.C. §3161, et seq., within which trial must commence, the time period of March 29,
24 2023 through March 19, 2024, inclusive, is deemed excludable pursuant to 18
25 U.S.C. §3161(h)(7)(A) because it results from a continuance granted by the Court at
26 defendant's request on the basis of the Court's finding that the ends of justice served
27
28

**JOINT STATUS REPORT AND STIPULATION TO SCHEDULE TRIAL AND EXCLUDE TIME;
ORDER**

1 by taking such action outweigh the best interest of the public and the defendant in a
2 speedy trial.

3 5. Nothing in this stipulation and order shall preclude a finding that other
4 provisions of the Speedy Trial Act dictate that additional time periods are excludable
5 from the period within which a trial must commence.
6

7 **IT IS SO STIPULATED.**

8
9 Dated: March 22, 2023

/s/ Serita Rios

10 _____
11 **Serita Rios**
12 Attorney for Defendant

13 Dated: March 22, 2023

/s/ David L. Gappa

14 _____
15 **David L. Gappa**
16 Assistant U.S. Attorney

17 _____
18 **ORDER**

19
20 IT IS SO FOUND AND ORDERED. The status conference for March 29, 2023, is
21 vacated, and a trial is scheduled to begin on March 19, 2024. Time is excluded under the
22 Speedy Trial Act for the reasons and on the grounds stated in the stipulation.
23

24 Dated: 3/23/2023

25 *Sheila K. Oberto*
26 _____
27 **Sheila K. Oberto**
28 United States Magistrate Judge

**JOINT STATUS REPORT AND STIPULATION TO SCHEDULE TRIAL AND EXCLUDE TIME;
ORDER**