PHILLIP A. TALBERT
United States Attorney
KAREN A. ESCOBAR
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. ALBERTO GOMEZ-SANTIAGO, Defendant.	CASE NO. 1:22-CR-00131 JLT-SKO STIPULATION REGARDING EXCLUDABLE TIME PERIODS UNDER SPEEDY TRIAL ACT; ORDER DATE:May 1, 2023 TIME: 10:00 a.m. COURT: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a change of plea on May 1, 2023.

2. By this stipulation, defendant now moves to vacate the hearing and reset this matter for the status conference currently set for June 7, 2023. Time was previously excluded to and through June 7, 2023. Out of an abundance of caution, it is requested that time continue to be excluded as to this defendant, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

3. The parties agree and stipulate, and request that the Court find the following:

a) The government recently obtained a large volume of extracted data from multiple phones seized in this case which it will provide in discovery to all the defendants in this case, as soon as it receives a hard drive from defense counsel.

b) Counsel for defendant requests additional time to review the discovery material

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

prior to resetting the matter for a change of plea.

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

d) The government does not object to the continuance.

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

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of May 1, 2023 to NEW DATE, inclusive, is deemed excludable pursuant to 18 U.S.C.§ 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

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

IT IS SO STIPULATED.

Dated: April 26, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ KAREN A. ESCOBAR
KAREN A. ESCOBAR
Assistant United States Attorney

Dated: April 26, 2023

/s/ Michael E. Mitchell
,MICHAEL E. MITCHELL
Counsel for Defendant Alberto Gomez-Santiago

ORDER

The stipulation to continue the hearing on the change of plea and to re-set a status conference on June 7, 2023 at 1:00 p.m. before Judge Oberto in courtroom 7, is **GRANTED**.

The Court finds that good cause exists, and the interests of justice outweigh the interests of the public and the defendant in a speedy trial. The Court excludes time for the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, Between May 1, 2023 through June 7, 2023, pursuant to 18 U.S.C.§ 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request.

IT IS SO ORDERED.

Dated: **April 28, 2023**

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE