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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. JOHNNY GARCIA ET AL., Defendants.	CASE NO. 1:22-CR-00331-ADA-BAM STIPULATION REGARDING EXCLUDABLE TIME PERIODS UNDER SPEEDY TRIAL ACT; ORDER CURRENT DATE: August 9, 2023 TIME: 1:00 p.m. PROPOSED DATE: November 8, 2023 COURT: Hon. Barbara A. McAuliffe

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

1. By previous order, this matter was set for status on August 9, 2023.

2. By this stipulation, defendant now moves to continue the status conference until November 8, 2023, and to exclude time between August 9, 2023, and November 8, 2023.

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

a) The government has represented that the discovery associated with this case includes investigative reports, cell phone extractions, and other media evidence. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying. The government also has made available at its office confidential supplemental discovery for defense counsel to review pursuant to a protective order.

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b) Counsel for defendants desire additional time to consult with their clients, conduct investigation and research related to the charges, review and copy discovery for this matter, discuss potential resolutions with their clients, to prepare pretrial motions, and to otherwise prepare for trial.

c) Counsel for defendants believe that failure to grant the above-requested continuance would deny them 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) The defendants are not in custody pending trial.

f) 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.

g) 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 August 9, 2023 to November 8, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C.§ 3161(h)(7)(A), B(iv) 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 defendant 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: July 27, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: July 27, 2023

/s/ Patrick Aguirre
Patrick Aguirre
Counsel for Defendant
Johnny Garcia

Dated: July 27, 2023

/s/ Griffin Estes
Griffin Estes
Counsel for Defendant
Jose Del Villar

ORDER

IT IS SO ORDERED that the status conference is continued from August 9, 2023, to **November 8, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C.§ 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **July 31, 2023**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE