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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: November 8, 2023 TIME: 1:00 p.m. 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 November 8, 2023.

2. By this stipulation, JOSE DEL VILLAR now moves to continue the status conference until February 14, 2024, and to exclude time between November 8, 2023, and February 14, 2024.

3. By this stipulation, JOHNNY GARCIA now moves to set this case for a change of plea hearing before the Hon. Ana de Alba on January 16, 2024, at 8:30 a.m. and to exclude time between November 8, 2023, and January 16, 2024.

4. 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

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copying. The government also has made available at its office confidential supplemental discovery for defense counsel to review pursuant to a protective order.

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. The defendants also request this additional time to review any offer made by the government.

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) As to JOSE DEL VILLAR, 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 November 8, 2023 to February 14, 2024, 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.

h) As to JOHNNY GARCIA, 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 November 8, 2023 to January 16, 2024, 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.

5. 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: November 2, 2023

PHILLIP A. TALBERT
United States Attorney

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

Dated: November 2, 2023

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

Dated: November 2, 2023

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

ORDER

IT IS SO ORDERED that the status conference as to JOSE DEL VILLAR is continued from November 8, 2023, to **February 14, 2024, 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 FURTHER ORDERED that the status conference set for as to JOHNNY GARCIA November 8, 2023, is vacated. A change of plea hearing is set for **January 16, 2024, at 8:30 a.m. before District Judge Ana de Alba**. Time is excluded pursuant to 18 U.S.C.§ 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **November 2, 2023**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE