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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. JOSE DEL VILLAR, Defendants.	CASE NO. 1:22-CR-00331-NODJ-BAM STIPULATION REGARDING EXCLUDABLE TIME PERIODS UNDER SPEEDY TRIAL ACT; ORDER CURRENT DATE: May 8, 2024 TIME: 1:00 p.m. COURT: Hon. Barbara A. McAuliffe

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

1. By previous order, this matter was set for status on May 8, 2024.

2. The defendant now moves to set this case for a change of plea hearing on August 26, 2024, at 8:30 a.m. and to exclude time between May 8, 2024, and August 26, 2024.

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.

b) Counsel for defendant desires additional time to consult with his client, conduct

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investigation and research related to the charges, review and copy discovery for this matter, discuss potential resolutions with their clients, prepare pretrial motions, and otherwise prepare for trial. The defendant also requests this additional time to discuss resolution with the government and need the additional time to finalize a plea agreement.

c) Counsel for defendant 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 defendant is 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 May 8, 2024 to August 26, 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.

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 29, 2024

PHILLIP A. TALBERT
United States Attorney

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

Dated: April 29, 2024

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

ORDER

IT IS SO ORDERED that the status conference set for May 8, 2024, is vacated. A change of plea hearing is set for **August 26, 2024, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Time is excluded pursuant to 18 U.S.C.§ 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **April 30, 2024**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE