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Attorney for Defendant, OSCAR CAMPOS-PADILLA

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

UNITED STATES OF AMERICA,	No. Cr.S-07-248-WBS
Plaintiff,	**STIPULATION AND ORDER TO CONTINUE**
vs.	
OSCAR CAMPOS PADILLA,	Date: April 28, 2008
	Time: 10:30 AM
Defendant.	Judge: WILLIAM B. SHUBB

IT IS HEREBY STIPULATED by and between counsel that there exists good cause to continue the matter of OSCAR CAMPOS-PADILLA from April 28, 2008 at 10:30 a.m. to June 30, 2008 at 10:30 a.m. This continuance is requested due to the need for effective preparation and continuity of counsel.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

A group of co-defendant's are seeking an early trial date in this matter. Mr. Padilla is on calendar on April 28, 2008 at 10:30 a.m. to state his position regarding an early trial date. Mr. Padilla does not seek an early trial date. Mr. Padilla has planned to remain part of the larger group. That group has been coordinating discovery and motions and that process is far from being completed. Accordingly, Mr. Padilla through no fault of anyone, has not had an opportunity to receive full discovery or litigate necessary motions.

In light of these facts, the parties agree that the time between April 28, 2008 and June 30, 2008 shall be excluded from the Speedy Trial Act requirements of Title 18, United States Code, § 3161 pursuant to Title 18, United States Code § 3161(h)(8)(A) and §3161(h)(8)(B)(iv). The parties agree that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in an earlier trial, specifically based on the fact that defendant Padilla's counsel has just finished a two month homicide jury trial. Further, Mr. Padilla has always planned to be part of the larger group and discovery and motions have been and continue to be coordinated and this process is not complete. Accordingly, Mr. Padilla is not ready to try the case at this time. For these reasons, the parties agree that a continuance is necessary to ensure that the defendant and defense counsel are prepared to make informed decisions regarding the case, and denial of such a continuance would unreasonably deny defendant Oscar Campos-Padilla effective case preparation pursuant to 18 U.S.C. §3161(h)(8)(A0 and §3161(h)(8)(B)(iv).

Therefore, it is respectfully requested that the current Sentencing Hearing date of April 28, 2008 at 10:30 a.m. be vacated and the matter be continued to June 30, 2008 at 10:30 a.m.

THE PARTIES SO STIPULATE.

Dated: April 24, 2008

UNITED STATES ATTORNEY'S OFFICE

/s/
JASON HITT, A.U.S.A.

Dated: April 24, 2008

LAW OFFICES OF PAUL B. MELTZER

/s/
PAUL B. MELTZER, Attorney for
Defendant, OSCAR CAMPOS-PADILLA

O R D E R

Good cause shown, therefore, IT IS HEREBY ORDERED that the Hearing set for April 28, 2008 be vacated and the matter be reset for June 30, 2008 at 10:30 a.m.

In light of these facts, the Court finds that the time between April 28, 2008 and June 30, 2008 shall be excludable from the Speedy Trial Act requirements of Title 18, United States Code, §3161 pursuant to Title 18, United States Code, §3161(h)(8)(A) and §3161(h)(8)(B)(iv). The Court finds that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in an earlier date specifically based on the fact that defendant Padilla has decided to remain part of the larger group and coordinate discovery and motions and this process has not been completed. For these reasons, the parties agree that a continuance is necessary to ensure that the defendant and defense counsel are prepared to make informed decisions regarding the case, and denial of such a continuance would unreasonably deny defendant Oscar Campos-Padilla effective case preparation pursuant to 18 U.S.C. §3161(h)(8)(A) and §3161(h)(8)(B)(iv).

SO ORDERED.

Dated: April 25, 2008



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE