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Attorney for Defendant
JASON STEWART-HANSON

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MARIO DIAZ, JR., et.al., Defendants.	Cr. No. S-07-248 WBS STIPULATION AND [~~PROPOSED~~] ORDER CONTINUING BRIEFING SCHEDULE RE: STEWART-HANSON'S MOTION TO EXCLUDE GANG EVIDENCE, OR IN THE ALTERNATIVE TO SEVER; FINDING OF EXCLUDABLE TIME

The United States of America, through Assistant U.S. Attorney Jason Hitt; defendant Jason Stewart-Hanson, through his counsel Scott L. Tedmon; and defendant Richard Mendoza, through his counsel Jan Karowsky, hereby stipulate and agree as follows:

1. The Court previously set a supplemental briefing schedule for defendant Stewart-Hanson's motion to exclude gang evidence or in the alternative, to sever Stewart-Hanson from Trial Group 1, with a hearing date on the motion set for May 17, 2010. Defendant Richard Mendoza joined in the motion. As of this date, the government is finalizing the draft transcripts of defendant Stewart-Hanson's telephone calls and expects to deliver them to defense counsel in the near future. Since these transcripts need to be obtained and reviewed before the government and defense counsel can file their simultaneous supplemental briefs on this issue, the parties have agreed on the following

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proposed briefing schedule:

Government and defense simultaneous briefs due: May 17, 2010

Government and defense reply briefs due: May 24, 2010

Non-evidentiary hearing on motion: June 7, 2010 at 10:00 a.m.

Based on these factors, the parties stipulate that the Court's finding of complexity and counsel's need for time to prepare pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii) and (iv) is appropriate.

2. The parties stipulate and agree that the Court should reiterate its previous finding that time should be excluded under the Speedy Trial Act, pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], and that the ends of justice therefore outweigh the best interest of the public in a speedy trial.

3. Accordingly, it is hereby stipulated and the parties agree that time be excluded through June 7, 2010 under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], in that this case is complex, counsel for the parties need time to prepare, and that the ends of justice outweigh the best interest of the public in a speedy trial. Additionally, time is excluded under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(1)(D), [Local Code E], defense motion pending.

4. Karen Kirksey Smith has approved the requested court date.

5. Scott L. Tedmon has been authorized by the all counsel to sign this stipulation on their behalf.

6. The proposed motion hearing date of June 7, 2010 at 10:00 a.m. relates only to defendants Jason Stewart-Hanson and Richard Mendoza. As such, only defendants Jason Stewart-Hanson and Richard Mendoza need to appear at the hearing on this motion.

IT IS SO STIPULATED.

DATED: April 20, 2010

BENJAMIN B. WAGNER
United States Attorney

/s/ Jason Hitt
JASON HITT
Assistant United States Attorney

DATED: April 20, 2010

LAW OFFICES OF SCOTT L. TEDMON

/s/ Scott L. Tedmon
SCOTT L. TEDMON
Attorney for Defendant Jason Stewart-Hanson

DATED: April 20, 2010

LAW OFFICES OF JAN KAROWSKY

/s/ Jan Karowsky
JAN KAROWSKY
Attorney for Defendant Richard Mendoza

ORDER

GOOD CAUSE APPEARING and based upon the above stipulation, the Court adopts the briefing schedule and IT IS ORDERED:

Government and defense simultaneous briefs due: May 17, 2010

Government and defense reply briefs due: May 24, 2010

Non-evidentiary hearing on motion: June 7, 2010 at 10:00 a.m.

The Court reiterates its previous finding that time be excluded under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], in that the case is complex, that counsel needs additional time to prepare, and that the ends of justice therefore outweigh the best interest of the public in a speedy trial. Additionally, time is excluded under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(1)(D), [Local Code E], defense motion pending.

Accordingly, IT IS FURTHER ORDERED that pursuant to 18 U.S.C. §3161(h)(1)(D), [Local Code E]; and 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4] time is excluded through June 7, 2010 from the time computations required by the Speedy Trial Act.

Finally, IT IS FURTHER ORDERED that the only defendants who shall appear on June 7, 2010 at 10:00 a.m. are Jason Stewart-Hanson and Richard Mendoza.

IT IS SO ORDERED.

DATED: April 21, 2010

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE