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8 Attorney for Defendant  
9 JOSE LOZANO-LOPEZ

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11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE EASTERN DISTRICT OF CALIFORNIA

14  
15 **UNITED STATES OF AMERICA,**

16 Plaintiff,

17 vs.

18 **MARTIN NEVAREZ, et al.,**

19 Defendant(s).

20 Cr. S-09-276 JAM

21 **STIPULATION AND ORDER RE:  
22 CONTINUANCE OF STATUS  
23 CONFERENCE AND EXCLUSION OF  
24 TIME UNDER SPEEDY TRIAL ACT**

25 Hon. John A. Mendez

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27 IT IS HEREBY stipulated between the  
28 United States of America through its  
undersigned

counsel, Heiko P. Coppola, Assistant United States Attorney, together with counsel for defendant  
Roberto Rodriguez, John R. Manning, Esq., counsel for defendant Martin Nevarez, Caro Marks,  
Esq., counsel for defendant Jose Lozano-Lopez, Hayes H. Gable, Esq., counsel for defendant  
Antonio Baldenegro, Dina L. Santos, Esq., counsel for defendant Jose Gutierrez, Michael B.  
Bigelow, Esq., and counsel for defendant Jesus Sandoval, Clemente M. Jimenez, Esq., that the  
status conference presently set for April 6, 2010, be continued to May 11, 2010, at 9:30 a.m., for  
further status conference.

The reason for this continuance is that the defendants have recently received plea agreements

1 and require additional time to review discovery as it relates to the agreements and review same with  
2 their clients. The parties further agree and stipulate that the period for the filing of this stipulation  
3 until May 11, 2010, should be excluded in computing time for commencement of trial under the  
4 Speedy Trial Act, based upon the interest of justice under 18 U.S.C. § 3161(h)(7)(B)(iv) and Local  
5 Code T4, to allow continuity of counsel and to allow reasonable time necessary for effective  
6 presentation.

7 It is further agreed and stipulated that the need of defense counsel to prepare exceeds the  
8 public's interest in commencing trial within 70 days.

9 Accordingly, the parties respectfully request the Court adopt this proposed stipulation.

10 IT IS SO STIPULATED.

11 Dated: April 1, 2010

/s/ John R. Manning  
JOHN R. MANNING  
Attorney for Defendant  
Roberto Rodriguez

13 Dated: April 1, 2010

/s/ Caro Marks  
CARO MARKS  
Attorney for Defendant  
Martin Nevarez

16 Dated: April 1, 2010

/s/ Hayes H. Gable III  
HAYES H. GABLE III  
Attorney for Defendant  
Jose Lozano-Lopez

19 Dated: April 1, 2010

/s/ Dina L. Santos  
DINA L. SANTOS  
Attorney for Defendant  
Antonio Baldenegro

21 Dated: April 1, 2010

/s/ Michael B. Bigelow  
MICHAEL B. BIGELOW  
Attorney for Defendant  
Jose Gutierrez

24 Dated: April 1, 2010

/s/ Clemente M. Jimenez  
CLEMENTE M. JIMENEZ  
Attorney for Defendant  
Jesus Sandoval

26 Dated: April 1, 2010

BENJAMIN B. WAGNER  
United States Attorney  
by: /s/ Heiko P. Coppola  
HEIKO P. COPPOLA  
Assistant U.S. Attorney

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3 **ORDER FINDING EXCLUDABLE TIME**

4 For the reasons set forth in the accompanying stipulation and declaration of counsel,  
5 the status conference in the above-entitled action is continued to May 11, 2010. The court  
6 finds excludable time in this matter from the date of filing of this order through May 11, 2010,  
7 under 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T4, to allow continuity of counsel and to allow  
8 reasonable time necessary for effective presentation. For the reasons stipulated by the parties, the  
9 Court finds that the interest of justice served by granting the requested continuance outweigh the best  
10 interests of the public and the defendant in a speedy trial. 18 U.S.C. 3161(h)(7)(A), (h)(7)(B)(iv).

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12 IT IS SO ORDERED.

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14 Dated: April 2, 2010

15 /s/ John A. Mendez  
16 **HON. JOHN A. MENDEZ**  
17 U.S. District Court Judge

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