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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11

12 **UNITED STATES OF AMERICA,**

13 Plaintiff,

14 vs.

15 **MARTIN NEVAREZ, et al.,**

16 Defendant(s).
17
18

Cr. S-09-276 JAM

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

Hon. John A. Mendez

19 IT IS HEREBY stipulated between the
20 United States of America through its
21 undersigned

22 counsel, Heiko P. Coppola, Assistant United States Attorney, together with counsel for defendant
23 Roberto Rodriguez, John R. Manning, Esq., counsel for defendant Martin Nevarez, Caro Marks,
24 Esq., counsel for defendant Jose Lozano-Lopez, Hayes H. Gable, Esq., counsel for defendant
25 Antonio Baldenegro, Dina L. Santos, Esq., counsel for defendant Jose Gutierrez, Michael B.
26 Bigelow, Esq., and counsel for defendant Jesus Sandoval, Clemente M. Jimenez, Esq., that the
27 status conference presently set for April 6, 2010, be continued to May 11, 2010, at 9:30 a.m., for
28 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

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13 Dated: April 1, 2010

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

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16 Dated: April 1, 2010

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

17
18 Dated: April 1, 2010

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

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20
21 Dated: April 1, 2010

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

22
23 Dated: April 1, 2010

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

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25
26 Dated: April 1, 2010

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

ORDER FINDING EXCLUDABLE TIME

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

IT IS SO ORDERED.

Dated: April 2, 2010

/s/ John A. Mendez
HON. JOHN A. MENDEZ
U.S. District Court Judge