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Attorney for Defendant
JULIO NEVAREZ-ERUNEZ

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, vs. JULIO NEVAREZ-ERUNEZ, Defendant.	Case No. 2:22-cr-00210-KJM REQUEST FOR RULE 43 WAIVER OF APPEARANCE [~~PROPOSED~~] ORDER Time: 2:00 PM Date: March 10, 2023 Judge: Honorable Jeremy D. Peterson

Pursuant to Rule 43 of the Federal Rules of Criminal Procedure, defendant, JULIO NEVAREZ-ERUNEZ, hereby waives the right to be present in person for the Bail Review hearing in open court scheduled for March 10, 2023.

Defendant hereby requests the Court to proceed during his absence at that hearing; agrees that defendant's interests will be deemed represented by the presence of the defendant's attorney, the same as if the defendant were personally present; and further agrees to be present in court ready for trial or any other pretrial motion any day and hour the Court may fix in the defendant's absence.

This waiver does not extend beyond the hearing scheduled for March 10, 2023.

The defendant further acknowledges being informed of the rights under Title 18 U.S.C. §§ 3161-3174 (Speedy Trial Act), and authorizes the defendant's attorney to set times and dates under that Act without the defendant's personal presence.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Finally, Mr. Nevarez-Erunez consents to counsel signing this waiver on his behalf, pursuant to General Order 616. He stipulates that i) obtaining his wet signature is both impractical and imprudent because he is in custody at the Yuba County Jail in Marysville, California, 45 minutes from the Office of the Federal Defender; ii) he has had an opportunity to consult with counsel regarding this matter; and iii) after said consultation, he consents to his counsel signing this order electronically on his behalf.

The waiver in this case is necessary to proceed with the Bail Review Hearing of March 10, 2023, because, upon representations of the United States Marshal Service, it would be impossible for Mr. Nevarez-Erunez to be transported to court for the hearing because of constraints on United States Marshal resources. In order to proceed with the motion Mr. Nevarez-Erunez agrees to waive his appearance at the hearing.

Dated: March 10, 2023

/s/ *Hannah Labaree*
HANNAH R. LABAREE
Assistant Federal Defender
Attorney for Defendant

IT IS SO ORDERED.

Dated: March 10, 2023

JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE