PHILLIP A. TALBERT
United States Attorney
EMILY G. SAUVAGEAU
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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|---|---|
| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>v.<br><br>JULIO NEVAREZ-ERUNEZ and JUAN NIEBLA-OSUNA,<br><br>Defendants. | CASE NO. 2:22-CR-00210-DJC<br><br>STIPULATION REGARDING EXCLUDABLE TIME PERIODS UNDER SPEEDY TRIAL ACT; FINDINGS AND ORDER<br><br>DATE: April 24, 2023<br>TIME: 9:00 a.m.<br>COURT: Hon. Daniel J. Calabretta |

**STIPULATION**

Plaintiff United States of America, by and through Assistant United States Attorney Emily G. Sauvageau, together with Attorney Hannah Labaree, counsel for defendant Julio Nevarez-Erunez, and Attorney Dina Santos, counsel for defendant Juan Niebla-Osuna, hereby stipulate as follows:

1. By previous order, this matter was set for status on April 24, 2023 before the Honorable Kimberly J. Mueller. On April 4, 2023, this matter was reassigned to the Honorable Daniel J. Calabretta.

2. By this stipulation, the parties move to continue the status conference until May 11, 2023, at 9:00 a.m., and to exclude time between April 24, 2023, and May 11, 2023, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes law enforcement reports, lab reports, search warrants, photographs, audio recordings,



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and cell phone extractions. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Defense counsel desire additional time to consult with their clients regarding discovery and otherwise prepare for trial.

c) Defense counsel believe that failure to grant the above-requested continuance would deny the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of April 24, 2023 to May 11, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C.§ 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 11, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ EMILY G. SAUVAGEAU
EMILY G. SAUVAGEAU
Assistant United States Attorney

Dated: April 11, 2023

/s/ HANNAH LABAREE
HANNAH LABAREE
Counsel for Defendant
Julio Nevarez-Erunez

Dated: April 11, 2023

/s/ DINA SANTOS
DINA SANTOS
Counsel for Defendant
Juan Niebla-Osuna

**ORDER**

IT IS SO FOUND AND ORDERED this 11th day of April, 2023.

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE