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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS RENDEROS AVALOS,

Defendant.

) NO. 20-MJ-71773-MAG

) STIPULATED [~~PROPOSED~~] ORDER  
) CONTINUING PRELIMINARY HEARING DATE  
) AND EXCLUDING TIME FROM THE SPEEDY  
) TRIAL ACT CALCULATION

Defendant Luis Renderos Avalos appeared before the Court on December 10, 2020 for an initial appearance and December 14, 2020 for a detention hearing in the above-captioned case. Following the detention hearing, the Honorable Laurel Beeler set an arraignment/preliminary hearing for January 20, 2021, which by stipulated orders the parties have continued to February 26, 2021, March 19, 2021, and April 23, 2021. The parties now ask for a continuance and exclusion of time through May 7, 2021 for the reasons identified below.

1. Since Mr. Avalos's initial appearance, the government has produced discovery to the defendant's counsel in this matter, and defense counsel is in the process of reviewing this discovery and discussing it with Mr. Avalos in order to prepare a defense. The government has also proposed a

STIPULATION TO EXCLUDE TIME AND [~~PROPOSED~~] ORDER  
Case No. 20-mj-71773

**FILED**

Apr 23 2021

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

1 potential pre-indictment resolution in this matter, which Mr. Avalos and his counsel also are in the  
2 process of discussing.

3         2.         The parties believe that failure to grant the continuance would deny Mr. Avalos and his  
4 counsel reasonable time necessary for effective preparation, taking into account the exercise of due  
5 diligence and their availability. As such, undersigned counsel request a new hearing date of May 7,  
6 2021.

7         3.         Defense counsel represents that his client understands that he has a right under 18 U.S.C.  
8 § 3161(b) to be charged by information or indictment with the offense alleged in the pending criminal  
9 complaint and that his client knowingly and voluntarily waives that right and agrees to continue to  
10 exclude the time to be charged by indictment through May 7, 2021. Defense counsel further represents  
11 that his client knowingly and voluntarily waives the timing for preliminary hearing under Federal Rule  
12 of Criminal Procedure 5.1 through May 7, 2021. This waiver of time will allow time for defense  
13 counsel to review the discovery with Mr. Avalos and will additionally allow the parties to continue to  
14 attempt to resolve this matter pre-indictment.

15         4.         For purposes of computing the date under Rule 5.1 of the Federal Rules of Criminal  
16 Procedure for preliminary hearing, and the date under the Speedy Trial Act by which defendants must be  
17 charged by indictment or information, the parties agree that the time period of April 23, 2021, through  
18 May 7, 2021, inclusive, should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and  
19 (h)(7)(B)(iv), on the basis that: (i) the ends of justice served by the continuance outweigh the best  
20 interest of the public and defendant in the filing of an information or indictment within the period  
21 specified in 18 U.S.C. § 3161(b); and (ii) failure to grant the continuance would unreasonably deny  
22 defense counsel the reasonable time necessary for effective preparation, taking into account the exercise  
23 of due diligence and the availability of defense counsel. The parties agree that timing for a preliminary  
24 hearing under Rule 5.1 should additionally be waived for this same period.

25         5.         Nothing in this stipulation shall preclude a finding that other provisions of the Speedy  
26 Trial Act dictate that additional time periods be excluded from the period within which an information  
27 or indictment must be filed.

28         The undersigned Assistant United States Attorney certifies that she has obtained approval from

counsel for the defendant to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED: 4/22/2021

/s/  
MARJA-LIISA OVERBECK  
Assistant United States Attorney

DATED: 4/22/2021

/s/  
ERICK GUZMAN  
Counsel for Defendant Luis Renderos Avalos

**~~[PROPOSED]~~ ORDER**

The Court has read and considered the Stipulation Regarding Request for (1) Continuance of Hearing Date and (2) Findings of Excludable Time Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that support a continuance in this matter, and provides good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, as well as to waive the timing for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in the filing of an information or indictment within the time period set forth in 18 U.S.C. § 3161(b); and (ii) failure to grant the continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the availability of defense counsel.

THEREFORE, FOR GOOD CAUSE SHOWN: IT IS SO ORDERED.

The hearing for preliminary hearing and arraignment on information or indictment in this matter currently scheduled for April 23, 2021 before this Court is continued to 1:00 p.m. on May 7, 2021. The time period of April 23, 2021, through May 7, 2021, inclusive, is excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. § 3161(b) pursuant to the provisions of 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv), and timing for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure is waived for that period.

Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act

dictate that additional time periods are excluded from the period within which an information or indictment must be filed.

DATED: April 23, 2021

  
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HON. ROBERT M. ILLMAN  
United States Magistrate Judge