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2 United States Attorney

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4 Chief, Criminal Division

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Attorneys for the United States of America

12 UNITED STATES DISTRICT COURT FOR THE  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA, )  
17 Plaintiff, ) No. CR 12-0804 DLJ  
18 v. )  
19 NOEMI RUBIO BAEZ, )  
20 a/k/a Noemi Carrillo Rubio, Yesenia )  
21 Carrillo Pulido, Noemi Carrillo Pena, )  
22 Noemi Rubio Pena, and Mimi, )  
23 and KATHRYN DARLENE CORYELL, )  
24 a/k/a Kathryn Darlene Leckbee, and Kat, )  
Defendants. )  
\_\_\_\_\_  
25 26 27 28

The United States, represented by United States Attorney Melinda Haag, and by Trial  
Attorneys Charles A. O'Reilly and Erin Mellen, and the defendant, Kathryn Darlene Coryell,  
represented by Assistant Federal Public Defender Diana A. Garrido, and the defendant, Noemi  
Rubio Baez, represented by Bruce C. Funk, hereby stipulate that, with the Court's approval, the

1 status conference currently set for Thursday, May 2, 2013 at 9:00 a.m., shall be continued to  
2 Thursday, June 6, 2013 at 9:00 a.m. The parties further stipulate that, with the Court's approval,  
3 Ms. Coryell's personal appearance be waived at the status conference set for Thursday, June 6,  
4 2013. Assistant Federal Public Defender Diana Garrido hereby agrees to notify Ms. Coryell of  
5 any future court dates at which Ms. Coryell must appear.

6 The continuance is requested to provide both defense counsel and the government with  
7 additional time to review discovery and negotiate an appropriate resolution. The continuance  
8 would provide all parties with the reasonable time necessary for effective preparation.

9 Accordingly, both parties respectfully request that the time between May 2, 2013 and June 6,  
10 2013 be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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12 Dated: 1 May 2013

Respectfully submitted,

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MELINDA HAAG  
United States Attorney

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17 Dated: 1 May 2013

/s/  
CHARLES A. O'REILLY  
Trial Attorney

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21 Dated: 1 May 2013

/s/  
DIANA A. GARRIDO  
Counsel for Kathryn Darlene Coryell

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/s/  
BRUCE C. FUNK  
Counsel for Noemi Rubio Baez

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 1st day of May 2013, I electronically transmitted the foregoing document to the Clerk of Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Diana Alicia Garrido, Esq.  
Federal Public Defender  
160 W Santa Clara St Suite 575  
San Jose, CA 95113  
Diana Garrido@fd.org

Counsel for Kathryn Darlene Coryell

Bruce C. Funk, Esq.  
Law Office of Bruce C. Funk  
46 W Santa Clara St  
San Jose, CA 95113

## Counsel for Noemi Rubio Baez

/s/ Charles A. O'Reilly  
CHARLES A. O'REILLY  
Trial Attorney

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

NO. CR 12-0804 DLJ

V.

NOEMI RUBIO BAEZ,  
a/k/a Noemi Carrillo Rubio, Yesenia  
Carrillo Pulido, Noemi Carrillo Pena,  
Noemi Rubio Pena, and Mimi.

## ORDER ()

and KATHRYN DARLENE CORYELL,  
a/k/a Kathryn Darlene Leckbee, and Kat,

## Defendants.

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Pursuant to agreement and stipulation of the parties, the Court HEREBY ORDERS that the time between May 2, 2013 and June 6, 2013 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The Court finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), that the failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendants in a speedy trial. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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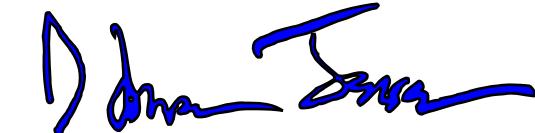
1       Also pursuant to the agreement and stipulation of the parties, the Court  
2       also HEREBY ORDERS that Kathryn Darlene Coryell need not personally  
3       appear at the June 6, 2013 status conference.

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5       **IT IS SO ORDERED.**

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7       Dated: 1<sup>st</sup> D<sup>o</sup> 2013



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D. LOWELL JENSEN  
UNITED STATES DISTRICT JUDGE

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