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

11 UNITED STATES OF AMERICA,) 1:10-cr-00213 OWW
12)
Plaintiff,)
13) STIPULATION AND
v.) PROPOSED ORDER TO ADVANCE
14) SENTENCING DATE
15)
BRIAN ROBERT GARRETT,)
16) DATE: May 16, 2011
Defendant.) TIME: 1:30 p.m.
17) PLACE: Courtroom Three
HON: Oliver W. Wanger

18 The parties have agreed to advance the sentencing hearing in
19 this case by one week from May 23, 2011, to May 16, 2011. The
20 reason for the request is primarily government counsel's
21 inability to be present on the currently-scheduled date of May
22 23, 2011. Government counsel has had two other sentencings
23 advanced to May 16, 2011 (by agreement of court and counsel), and
24 will be able to return from his temporary assignment in
25 Washington, D.C. to cover those sentencings (in conjunction with
26 other business away from Fresno related to the temporary
27 assignment). It is not feasible to return to Fresno again on May
28 23, 2011. The requested new date is still ten weeks from the

1 change of plea, and that is the customary time frame between
2 conviction and sentencing.

3 This case has an extended history with complicated
4 negotiations, and it does not lend itself to transfer to a new
5 prosecutor. For instance, the defendant has agreed to pay a
6 substantial amount of restitution, and there are details related
7 to receipt and designation of that payment, before and after the
8 sentencing, that are best done by undersigned counsel. On the
9 other hand, the parties - through their extensive negotiations -
10 have fashioned what they believe to be an overall reasonable
11 sentence, so they believe that the sentencing hearing, if the
12 court accepts the recommendations of the parties, can be
13 accomplished with relatively little impact on court resources.
14 Government counsel was told that the court's calendar is
15 overbooked for the requested date, but it appears that only five
16 items are currently on the 1:30 p.m. calendar. It is requested
17 that this case be added to that calendar.

18 Dated: May 8, 2011

Respectfully submitted,

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20 BENJAMIN B. WAGNER
21 United States Attorney

22 /s/ David Gappa
23 By: DAVID L. GAPPA
24 Assistant U.S. Attorney

25 /s/ Joel Koury
26 JOEL KOURY
27 Counsel for Brian Robert Garrett
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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CR-F-10-00213 OWW
)	
Plaintiff,)	
)	ORDER ON STIPULATION
v.)	TO ADVANCE SENTENCING DATE
)	
BRIAN ROBERT GARRETT,)	
)	DATE: May 16, 2011
)	TIME: 1:30 p.m.
Defendant.)	PLACE: Courtroom Three
)	HON: Oliver W. Wanger

ORDER

For the reasons outlined in the stipulation of the parties filed on May 8, 2011, the sentencing is advanced to May 16, 2011, at 1:30 p.m.

IT IS SO ORDERED.

Dated: May 9, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE