

PHILLIP A. TALBERT
United States Attorney
LAUREL J. MONTOYA
Assistant United States Attorney
Robert E. Coyle Federal Courthouse
2500 Tulare Street
Fresno, CA 93721

(559) 497-4000

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAY WILLIAM URIBE,

Defendant.

CASE NO. 1:17-CR-00240-ADA-BAM
1:22-CR-00142-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: February 22, 2023
TIME: 1 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, case number 22-cr-142 was set for status on February 22, 2023 and case number 17-cr-240, a petition alleging a violation of supervised release, was set for status on February 22, 2023 at 2 p.m. on the duty calendar.

2. By this stipulation, the parties now move to continue the conference in both matters until April 12, 2023, and to exclude time between February 22, 2023, and April 12, 2023, under Local Code T4.

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

a) The discovery as to these matters has been provided to the defense.

b) A plea agreement encompassing both matters before the Court was approved and

1 sent to counsel for defendant February 15, 2023. Counsel for defendant needs time to review the
2 plea agreement, review discovery in both matters as well as conduct any investigation warranted.
3 Counsel for defendant believes that failure to grant the above-requested continuance would deny
4 him/her the reasonable time necessary for effective preparation, taking into account the exercise
5 of due diligence.

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

9 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
10 et seq., within which trial must commence, the time period of February 22, 2023 to April 12,
11 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
12 T4] because it results from a continuance granted by the Court at defendant's request on the basis
13 of the Court's finding that the ends of justice served by taking such action outweigh the best
14 interest of the public and the defendant in a speedy trial.

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

18 IT IS SO STIPULATED.

19
20 Dated: February 15, 2023

PHILLIP A. TALBERT
United States Attorney

21
22 /s/ LAUREL J. MONTOYA
LAUREL J. MONTOYA
Assistant United States Attorney

23
24
25 Dated: February 15, 2023

/s/ ERIC V. KERSTEN
ERIC V. KERSTEN
Counsel for Defendant
RAY WILLIAM URIBE,

ORDER

IT IS SO ORDERED that the status conference is continued from February 22, 2023, to **April 12, 2023 at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

IT IS SO ORDERED.

Dated: **February 15, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE