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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: September 27, 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 September 27, 2023 and case number 17-cr-240, a petition alleging a violation of supervised release, was set for status on September 27, 2023 at 2 p.m. on the duty calendar.

2. By this stipulation, the parties now move to set the matters for change of plea on November 6, 2023, and to exclude time between September 27, 2023, and November 6, 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. The parties believe the matters will resolve and request to set both
2 matters for plea/admission. Counsel for defendant believes that failure to grant the above-
3 requested continuance would deny him/her the reasonable time necessary for effective
4 preparation, taking into account the exercise of due diligence.

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

8 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 et seq., within which trial must commence, the time period of September 27, 2023 to November
10 6, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
11 Code T4] because it results from a continuance granted by the Court at defendant's request on
12 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
13 best interest of the public and the defendant in a speedy trial.

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

17 IT IS SO STIPULATED.

18
19 Dated: September 22, 2023

PHILLIP A. TALBERT
United States Attorney

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

23
24 Dated: September 22, 2023

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

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ORDER

IT IS SO ORDERED that the status conference set for September 27, 2023, is vacated. A change of plea hearing is set for **November 6, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: September 22, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE