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4 Attorney for Defendant  
5 LESTER HANDS

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 **UNITED STATES OF AMERICA,** )  
12 Plaintiff, )  
13 )  
14 v. )  
15 )  
16 **LESTER HANDS,** )  
17 Defendant. )

CR.S-06-192 EJG

**STIPULATION AND  
ORDER RE: CONTINUANCE OF  
STATUS CONFERENCE AND  
EXCLUSION OF TIME UNDER  
SPEEDY TRIAL ACT**

Judge: Hon. Edward J. Garcia

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19 Plaintiff, United States of America, by and through its counsel, Assistant United States  
20 Attorney Richard J. Bender, and defendant Lester Hands, by and through his counsel, Hayes H.  
21 Gable, III, agree and stipulate to vacate the existing status conference in the above-captioned  
22 action, June 15, 2007, and to continue the matter to July 13, 2007, at 10:00 a.m. for status  
23 conference.

24 The reason for this request is that the defense has just received the Criminal History  
25 Computation prepared by the United States Probation Officer, and requires time to review it and  
26 discuss it with the defendant, and in light thereof, attempt to negotiate a disposition of the case  
27 with the Government. The parties further agree and stipulate that the period for the filing of this  
28 stipulation until July 13, 2007, should be excluded in computing time for commencement of trial

1 under the Speedy Trial Act, based upon the interest of justice under 18 U.S.C. § 3161(h)(8)(B)(iv)  
2 and Local Code T4, to allow continuity of counsel and to allow reasonable time necessary for  
3 effective presentation. It is further agreed and stipulated that the need of defense counsel to  
4 prepare exceeds the public's interest in commencing trial within 70 days.

5 Counsel for the government has authorized the execution of this stipulation on her behalf.

6 Accordingly, the parties respectfully request the Court adopt this proposed stipulation.

7  
8 Dated: June 13, 2007

/s/Hayes H. Gable, III  
HAYES H. GABLE III  
Attorney for Defendant  
LESTER HANDS

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10  
11 Dated: June 13, 2007 \_\_\_\_\_

MCGREGOR W. SCOTT  
United States Attorney

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13 By: /s/Hayes H. Gable, III for

RICHARD J. BENDER  
Assistant United States Attorney

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15 **ORDER FINDING EXCLUDABLE TIME**

16 For the reasons set forth in the accompanying stipulation, the status conference in the  
17 above-entitled action is continued to July 13, 2007, at 10:00 a.m. The court finds excludable time  
18 in this matter from June 15, 2007 through July 13, 2007, under 18 U.S.C. § 3161(h)(8)(B)(iv) and  
19 Local Code T4, to allow continuity of counsel and to allow reasonable time necessary for effective  
20 presentation. For the reasons stipulated by the parties, the Court finds that the interest of justice  
21 served by granting the requested continuance outweigh the best interests of the public and the  
22 defendant in a speedy trial. 18 U.S.C. 3161(h)(8)(A), (h)(8)(B)(iv).

23 IT IS SO ORDERED.

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25  
26 Dated: June 13, 2007

/s/ Edward J. Garcia  
EDWARD J. GARCIA  
Senior U.S. District Court Judge