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7 Attorney for Defendant  
8 ANGEL MARTINEZ-DIAZ

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

|                              |   |  |
|------------------------------|---|--|
| 11 UNITED STATES OF AMERICA, | ) | No. CR-S-13-247 JAM                        |
| 12                           | ) |  |
| 13 Plaintiff,                | ) | Stipulation and Order Continuing Status    |
| 14                           | ) | Conference as to Defendant Angel Martinez- |
| 15 v.                        | ) | Diaz.                                      |
| 16                           | ) |  |
| 17 MARTINEZ-CHAIREZ, et al., | ) | Date: February 25, 2014                    |
| 18                           | ) | Time: 9:45 a.m.                            |
| 19 Defendants.               | ) | Judge: Honorable John A. Mendez            |
| 20                           | ) |  |
| 21                           | ) |  |

22 The United States of America through its undersigned counsel, Richard J. Bender,  
23 Assistant United States Attorney, together with counsel for defendant Angel Martinez-Diaz, John  
24 R. Manning, Esq., hereby stipulate the following:

- 25 1. By previous order, this matter was set for status conference on January 21, 2014
- 26 2. By this stipulation, defendant now move to continue the status conference until February  
27 25, 2014 at 9:45 a.m., and to exclude time between January 21, 2014 and February 25, 2014  
28 under the Local Code T-4 (to allow defense counsel time to prepare). It is anticipated Mr.  
Martinez-Diaz will entering a guilty plea at the next court appearance.

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

- 1 a. This case currently contains over a 100 pages of discovery as well as two DVD's  
2 with videos and one CD of audio recordings (the recordings are in Spanish).
- 3 b. Counsel for the defendants need additional time to review the discovery, conduct  
4 investigation, and interview potential witnesses.
- 5 c. Mr. Martinez-Diaz is from Honduras. During the course of meeting with Mr.  
6 Martinez-Diaz, it became apparent issues surrounding his immigration status were  
7 quite complicated. The court authorized funding for the UC Davis Immigration  
8 Clinic to review Mr. Martinez-Diaz's immigration circumstances and provide the  
9 defense with a report/analysis. Such a review is necessary in order to adequately  
10 advise Mr. Martinez-Diaz of the potential immigration consequences he faces with a  
11 guilty plea (or verdict). The report/analysis has been prepared by the clinic, but  
12 counsel for Mr. Martinez-Diaz needs additional time to review the analysis and  
13 recommendation. I will need additional time to meet with Mr. Martinez-Diaz (with  
14 an interpreter). The date requested herein was selected as it will accommodate my  
15 trial schedule (Albright et al 11-226 TLN; commencing on 2/3/14, with an estimated  
16 duration of approximately 10 court days) and still allow sufficient time to meet with  
17 Mr. Martinez-Diaz in order to review the information provided by the Immigration  
18 Clinic as well the terms, conditions, and consequences of the proposed plea  
19 agreement  
20  
21  
22  
23
- 24 d. Counsel for defendants believe the failure to grant a continuance in this case would  
25 deny defense counsel reasonable time necessary for effective preparation, taking into  
26 account the exercise of due diligence.
- 27 e. The Government does not object to the continuance.  
28

- 1 f. Based on the above-stated findings, the ends of justice served by granting the  
2 requested continuance outweigh the best interests of the public and the defendants in  
3 a speedy trial within the original date prescribed by the Speedy Trial Act.  
4  
5 g. For the purpose of computing time under the Speedy Trial Act, 18 United States Code  
6 Section 3161(h)(7)(A) within which trial must commence, the time period of January  
7 21, 2014 to February 25, 2014 is deemed excludable pursuant to 18 United States  
8 Code Section 3161(h)(7)(A) and (B)(ii) and (iv), corresponding to Local Code T-4  
9 because it results from a continuance granted by the Court at defendant's request on  
10 the basis of the Court's finding that the ends of justice served by taking such action  
11 outweigh the best interests of the public and the defendants in a speedy trial.  
12

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

16 IT IS SO STIPULATED.

17 Dated: January 16, 2014

18 /s/ John R. Manning  
19 JOHN R. MANNING  
20 Attorney for Defendant  
Angel Martinez-Diaz

21 Dated: January 16, 2014

Benjamin B. Wagner  
United States Attorney

22  
23 by: /s/ Richard J. Bender  
24 RICHARD J. BENDER  
Assistant U.S. Attorney

25 **ORDER**

26 IT IS SO FOUND AND ORDERED this 17<sup>th</sup> day of January, 2014.

27  
28 /s/ John A. Mendez  
HONORABLE JOHN A. MENDEZ  
U. S. DISTRICT COURT JUDGE