

McGREGOR W. SCOTT
United States Attorney
OWEN ROTH
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN JOHNSON et al.,

Defendants.

CASE NOS. 2:17-CR-196; 2:17-CR-219;
2:17-CR-222; 2:17-CR-234; 2:18-CR-009;
2:18-CR-010; 2:18-CR-034; 2:18-CR-035;
2:18-CR-036; 2:18-CR-037; 2:18-CR-038;
2:18-CR-044; 2:18-CR-054

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: April 26, 2018
COURT: Hon. Troy L. Nunley

STIPULATION

1. This stipulation concerns the thirteen indicted cases noted in the caption, which all arise out of a common investigation. The thirteen cases concern twenty-seven different defendants, who are each identified in connection with their respective counsel in the signature pages of this stipulation.

2. By previous order, each of the thirteen matters was set for status on April 26, 2018.

3. By this stipulation, the Government and counsel for the defendants now move to continue the status conferences to a series of new dates, as follows:

a) July 19, 2018: 2:17-cr-196; 2:17-cr-219; 2:18-cr-036; 2:18-cr-038

b) July 26, 2018: 2:17-cr-222; 2:18-cr-009

c) Aug. 2, 2018: 2:18-cr-044; 2:17-cr-234

d) Aug. 9, 2018: 2:18-cr-010; 2:18-cr-034; 2:18-cr-035; 2:18-cr-037; 2:18-cr-054

1 4. The parties also seek to exclude time between April 26, 2018, and the noted four dates,
2 per the indictments listed under each date, under Local Codes T2 and T4.

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

4 a) As of this stipulation, the Government has produced more than 400 pages of
5 written discovery to the defendants as a group, as well as 45 DVDs containing audio and visual
6 surveillance recordings. (Each defendant has also received a copy of his or her criminal history,
7 if one exists, and a small amount of additional written discovery has been produced to a subset of
8 defendants.) Going forward, the Government anticipates producing hundreds of additional pages
9 of discovery, which will include wiretap-related documents pursuant to the Court's April 12,
10 2018 protective order, and additional DVDs containing wiretap data and additional surveillance
11 evidence.

12 b) At this time, the Government understands that the previously appointed
13 discovery-coordination attorney (the "DCA") is processing the discovery that the Government
14 has produced (as noted in the foregoing paragraph) and making it available to defense counsel.

15 c) At this time, Counsel for the defendants desire additional time to review the
16 discovery now being distributed by the DCA. This review will enable counsel to begin
17 reviewing the charges against their respective clients, conduct ancillary research, and consult
18 with their respective clients on how to proceed in their cases.

19 d) Counsel for the defendants believe that failure to grant the above-requested
20 continuances would deny them the reasonable time necessary for effective preparation, taking
21 into account the exercise of due diligence.

22 e) The government does not object to the continuances.

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

26 g) Further, given that the discovery in this case arises from a single investigation and
27 is being produced to the twenty-seven defendants in the noted thirteen cases, the Court has
28 previously designated the matter as "complex" for the purpose of providing an exclusion of time

under Local Code T2. The parties submit that the foregoing stipulation provides a continued basis for such an exclusion.

h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trials must commence, the time periods of April 26, 2018 to the dates of July 19, July 26, August 2, and August 9, 2018, as noted in this stipulation, inclusive, are deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because they result from continuances granted by the Court at the defendants' requests on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in speedy trials.

i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trials must commence, the time periods of April 26, 2018 to the dates of July 19, July 26, August 2, and August 9, 2018, as noted in this stipulation, inclusive, are deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), (ii) because they result from continuances granted by the Court at defendants' requests on the basis of the Court's finding that the matters are sufficiently complex that it would be unreasonable to expect adequate preparation absent the exclusions of time.

6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the periods within which trials must commence.

IT IS SO STIPULATED.

Dated: April 13, 2018

McGREGOR W. SCOTT
United States Attorney

/s/ OWEN ROTH

OWEN ROTH
Assistant United States Attorney

For continuance to July 19, 2018:

Dated: April 13, 2018

/s/ MATTHEW BOCKMON

MATTHEW BOCKMON
Counsel for Defendant Justin Johnson
Case No. 2:17-cr-196

1 Dated: April 13, 2018

/s/ JESSICA GRAVES
JESSICA GRAVES
Counsel for Defendant Erica Umbay
Case No. 2:17-cr-219

4 Dated: April 13, 2018

/s/ CHRISTOPHER R. COSCA
CHRISTOPHER R. COSCA
Counsel for Defendant Stephanie Lavan
Case No. 2:18-cr-036

7 Dated: April 13, 2018

/s/ TONI LASHAY WHITE
TONI LASHAY WHITE
Counsel for Defendant Daisy Gonzalez
Case No. 2:18-cr-038

10 Dated: April 13, 2018

/s/ MICHAEL CHASTAINE
MICHAEL CHASTAINE
Counsel for Def. Jose Heredia-Trinidad
Case No. 2:18-cr-038

13 **For continuance to July 26, 2018:**

14 Dated: April 13, 2018

/s/ SHARI RUSK
SHARI RUSK
Counsel for Defendant Aldo Arellano
Case No. 2:17-cr-222

17 Dated: April 13, 2018

/s/ KELLY BABINEAU
KELLY BABINEAU
Counsel for Defendant Rachel Felix
Case No. 2:17-cr-222

20 Dated: April 13, 2018

/s/ TASHA P. CHALFANT
TASHA P. CHALFANT
Counsel for Defendant Raul Barajas
Case No. 2:18-cr-009

24 Dated: April 13, 2018

/s/ ALIN CINTAN
ALIN CINTAN
Counsel for Def. Israel Covarrubias
Case No. 2:18-cr-009

27 Dated: April 13, 2018

/s/ MICHAEL E. HANSEN
MICHAEL E. HANSEN
Counsel for Defendant Milton Escobedo
Case No. 2:18-cr-009

1 Dated: April 13, 2018

/s/ CLEMENTE JIMENEZ
CLEMENTE JIMENEZ
Counsel for Def. Jose Madrigal-Vega
Case No. 2:18-cr-009

4 Dated: April 13, 2018

/s/ PHILIP COZENS
PHILIP COZENS
Counsel for Defendant Victor Magana
Case No. 2:18-cr-009

7 Dated: April 13, 2018

/s/ ROBERT M. WILSON
ROBERT M. WILSON
Counsel for Defendant Trevor White
Case No. 2:18-cr-009

10 **For continuance to August 2, 2018:**

11 Dated: April 13, 2018

/s/ SHARI RUSK
SHARI RUSK
Counsel for Defendant Michael Do
Case No. 2:18-cr-044

14 Dated: April 13, 2018

/s/ STEPHEN B. PLESSER
STEPHEN B. PLESSER
Counsel for Defendant Patrick Botello
Case No. 2:17-cr-234

17 Dated: April 13, 2018

/s/ DAVID M. GARLAND
DAVID M. GARLAND
Counsel for Defendant Ashley Habash
Case No. 2:17-cr-234

20 Dated: April 13, 2018

/s/ J. TONEY
J. TONEY
Counsel for Defendant Brenda Miranda
Case No. 2:17-cr-234

23 Dated: April 13, 2018

/s/ DAVID D. FISCHER
DAVID D. FISCHER
Counsel for Def. Mercedes Silva-Sims
Case No. 2:17-cr-234

26 Dated: April 13, 2018

/s/ DINA L. SANTOS
DINA L. SANTOS
Counsel for Defendant Ricardo Villa
Case No. 2:17-cr-234

1 Dated: April 13, 2018

/s/ KYLE R. KNAPP
KYLE R. KNAPP
Counsel for Defendant Joshua Sims
Case No. 2:17-cr-234

4 **For continuance to August 9, 2018:**

5 Dated: April 13, 2018

/s/ TODD D. LERAS
TODD D. LERAS
Counsel for Defendant Edgar Jimenez
Case No. 2:18-cr-010

8 Dated: April 13, 2018

/s/ CLYDE BLACKMON
CLYDE BLACKMON
Counsel for Defendant James Masterson
Case No. 2:18-cr-010

11 Dated: April 13, 2018

/s/ CANDICE L. FIELDS
CANDICE L. FIELDS
Counsel for Defendant Reggie Pajimola
Case No. 2:18-cr-010

14 Dated: April 13, 2018

/s/ KYLE R. KNAPP
KYLE R. KNAPP
Counsel for Defendant Joshua Sims
Case No. 2:18-cr-010

17 Dated: April 13, 2018

/s/ TIMOTHY E. WARRINER
TIMOTHY E. WARRINER
Counsel for Defendant John Lemus
Case No. 2:18-cr-034

22 Dated: April 13, 2018

/s/ MICHAEL B. BIGELOW
MICHAEL B. BIGELOW
Counsel for Defendant Carlos Martinez
Case No. 2:18-cr-035

25 Dated: April 13, 2018

/s/ ERIN J. RADEKIN
ERIN J. RADEKIN
Counsel for Def. Asencion Jimenez
Case No. 2:18-cr-037

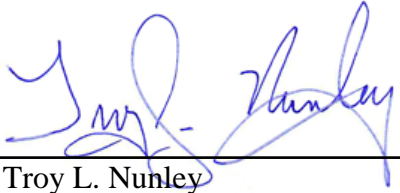
28 Dated: April 13, 2018

/s/ RONALD PETERS

RONALD PETERS
Counsel for Def. Blas Gonzalez-Ramirez
Case No. 2:18-cr-054

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 19th day of April, 2018.



Troy L. Nunley
United States District Judge