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6 Attorneys for Plaintiff  
United States of America  
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8  
9 IN THE UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 v.

14 JUSTIN JOHNSON et al.,  
15 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-038; 2:18-CR-044;  
2:18-CR-054

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

DATE: July 16, 2018  
COURT: Hon. Troy L. Nunley

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17  
18 **STIPULATION**

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

22 2. By previous order, each of the twelve matters was set for status conferences in July and  
23 August 2018. (Case number 2:18-cr-037 was recently dismissed because the defendant, Asencion  
24 Jimenez, has passed away.)

25 3. By this stipulation, the Government and counsel for the defendants now move to continue  
26 the status conferences to a series of new dates at 9:30 a.m., as follows:

27 a) Case number 2:17-cr-196: continue from July 19, 2018 to November 15, 2018

28 b) Case number 2:17-cr-219: continue from July 19, 2018 to November 15, 2018

- c) Case number 2:18-cr-036: continue from July 19, 2018 to November 15, 2018.
- d) Case number 2:18-cr-038: continue from July 19, 2018 to November 15, 2018.
- e) Case number 2:17-cr-222: continue from July 26, 2018, to November 29, 2018.
- f) Case number 2:18-cr-009: continue from July 26, 2018, to November 29, 2018.
- g) Case number 2:18-cr-044: continue from August 2, 2018, to December 6, 2018.
- h) Case number 2:17-cr-234: continue from August 2, 2018, to December 6, 2018.
- i) Case number 2:18-cr-010: continue from August 16, 2018, to December 13, 2018.
- j) Case number 2:18-cr-034: continue from August 16, 2018, to December 13, 2018.
- k) Case number 2:18-cr-035: continue from August 16, 2018, to December 13, 2018.
- l) Case number 2:18-cr-054: continue from August 16, 2018, to December 13, 2018.

4. The parties to each of the foregoing cases also move to exclude time between the current status conference dates and the proposed status-conference dates, as detailed in Paragraph 3, under Local Codes T2 and T4.

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

a) As of this stipulation, the Government has produced more than 400 pages of written discovery to the defendants as a group, as well as 45 DVDs containing audio and visual surveillance recordings. (Each defendant has also received a copy of his or her criminal history, if one exists, and a small amount of additional written discovery has been produced to a subset of defendants.) The Government has also prepared several thousand additional pages of discovery and is producing them to the discovery coordinator presently; it has obtained a protective order permitting disclosure of un-redacted copies of certain search warrants and court orders; it has identified additional audio and video discs that is presently producing; and it is continuing to review documents to produce.

b) At this time, the Government understands that the previously appointed discovery-coordination attorney (the "DCA") will begin processing the discovery that the Government is producing (as noted in the foregoing paragraph) and making it available to defense counsel. In the meantime, it is available for inspection upon request.

c) At this time, Counsel for the defendants desire additional time to review the

1 discovery that has been distributed and is now being distributed by the DCA. This review will  
2 enable counsel to begin reviewing the charges against their respective clients, conduct ancillary  
3 research, and consult with their respective clients on how to proceed in their cases.

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

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

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

11 g) Further, given that the discovery in this case arises from a single investigation and  
12 is being produced to the twenty-six defendants in the noted twelve cases, the Court has  
13 previously designated the matter as “complex” for the purpose of providing an exclusion of time  
14 under Local Code T2. The parties submit that the foregoing stipulation provides a continued  
15 basis for such an exclusion.

16 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
17 et seq., within which trials must commence, the time periods between the present status  
18 conferences and the proposed status conferences, noted in Paragraph 3 of this stipulation,  
19 inclusive, are deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
20 because they result from continuances granted by the Court at the defendants’ requests on the  
21 basis of the Court’s finding that the ends of justice served by taking such action outweigh the  
22 best interest of the public and the defendants in speedy trials.

23 i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
24 et seq., within which trials must commence, the time periods between the present status  
25 conferences and the proposed status conferences, noted in Paragraph 3 of this stipulation,  
26 inclusive, are deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), (ii) because they result  
27 from continuances granted by the Court at defendants’ requests on the basis of the Court’s  
28 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: July 16, 2018

McGREGOR W. SCOTT  
United States Attorney

/s/ OWEN ROTH

OWEN ROTH  
Assistant United States Attorney

**For continuance to November 15, 2018:**

Dated: July 16, 2018

/s/ JEROME PRICE

JEROME PRICE  
Counsel for Defendant Justin Johnson  
Case No. 2:17-cr-196

Dated: July 16, 2018

/s/ JESSICA GRAVES

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

Dated: July 16, 2018

/s/ CHRISTOPHER R. COSCA

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

Dated: July 16, 2018

/s/ TONI LASHAY WHITE

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

Dated: July 16, 2018

/s/ MICHAEL CHASTAINE

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

**For continuance to November 29, 2018:**

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

**For continuance to December 6, 2018:**

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

**For continuance to December 13, 2018:**

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

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

Dated: July 16, 2018

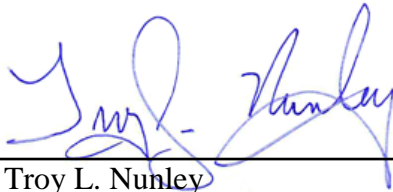
/s/ MICHAEL B. BIGELOW  
MICHAEL B. BIGELOW  
Counsel for Defendant Carlos Martinez  
Case No. 2:18-cr-035

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 17<sup>th</sup> day of July, 2018.

  
\_\_\_\_\_  
Troy L. Nunley  
United States District Judge