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Attorney for Defendant

EDGAR JIMENEZ

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDGAR JIMENEZ,

Defendant.

Case No.: 2:18-cr-010 TLN

STIPULATION AND ORDER REGARDING
CORRECTION OF SENTENCE [Federal Rule
of Criminal Procedure 35(a)]

Plaintiff United States of America by and through Assistant United States Attorney Justin Lee, and Attorney Todd Leras on behalf of Defendant Edgar Jimenez, stipulate as follows:

1. On October 1, 2019, the Court granted the parties' request for an order requiring disclosure of the court reporter's notes as to the length of sentence imposed at the sentencing hearing held on September 19, 2019 [ECF Entry Number 117]. That

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- 1 request resulted from an unresolved question between the parties about the length of
2 the Court's sentence.
- 3 2. That same evening, October 1, 2019, the assigned court reporter sent an email to the
4 parties stating that the Court stated the following: "It's the judgment and sentence of
5 the Court pursuant to the Sentencing Reform Act of 1984 that Edgar Jiminez (sic)
6 will be committed to the custody of the Bureau of Prisons for a term of 40 months."
7
- 8 3. Pursuant to Rule 35(a) of the Federal Rules of Criminal Procedure the parties request
9 that the Court correct Mr. Jimenez's sentence. Specifically, the parties request that
10 the document entitled "Judgment in a Criminal Case" (ECF Entry 109, referred to
11 hereafter as the "Judgment and Commitment"), filed on September 25, 2019, shall be
12 replaced by an Amended Judgment and Commitment to reflect a sentence of 40-
13 months. The parties further request that the second sentence for the Minutes of the
14 Sentencing Hearing held on September 19, 2019 (ECF Entry 108, referred to
15 hereafter as the "Minutes"), should be amended to state as follows: "Defendant
16 sentenced on Count 7 of the Indictment to imprisonment of 40 months." The parties
17 agree that all additional terms of sentencing and supervised release set forth in the
18 Minutes and the Judgment and Commitment are accurate.
- 19 4. This stipulation and request for correction of the sentence is made within 14 days of
20 the sentencing as required under Federal Rule of Criminal Procedure 35(a).
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Assistant U.S. Attorney Justin Lee has reviewed this stipulation and proposed order and authorized Todd Leras via telephone call to sign it on his behalf.

DATED: October 2, 2019

By /s/ Todd D. Leras for
JUSTIN LEE
Assistant United States Attorney

DATED: October 2, 2019

By /s/ Todd D. Leras
TODD D. LERAS
Attorney for Defendant
EDGAR JIMENEZ

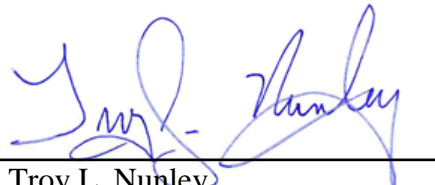
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ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the second sentence of the Minutes (ECF Entry 108) be amended as follows: “Defendant sentenced on Count 7 of the Indictment to imprisonment of 40 months.” It is further ordered that an Amended Judgment and Commitment be filed to reflect a term of imprisonment of 40 months.

IT IS SO ORDERED.

Dated: October 4, 2019



Troy L. Nunley
United States District Judge

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