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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
REQUESTING SENTENCING
INFORMATION CONTAINED IN COURT
REPORTER'S NOTES

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. This matter came before the Court for a sentencing hearing on September 19, 2019.

By this stipulation, Defendant Edgar Jimenez moves the Court for an order requiring the court reporter assigned to transcribe the hearing, Kimberly Bennett, to relay (via email) to the parties information about the length of the Court's indicated and imposed sentence.

ORDER CONTINUING STATUS
CONFERENCE

- 1 2. The Court proceeded to impose upon Mr. Jimenez a sentence of imprisonment for a
2 violation of 21 U.S.C. § 843(b) (Use of Telephone to Facilitate a Drug Trafficking
3 Offense). Defense counsel and two members of his family attending the hearing
4 believed that the Court imposed a sentence of 40-months, followed by a one year
5 term of supervised release. The government believes that the sentence of 48-months,
6 the statutory maximum, was indicated and imposed.
7
- 8 3. On September 25, 2019, a document entitled “Judgment in a Criminal Case” (ECF
9 Entry 109) was filed in this matter imposing a sentence of 48-months. The next day
10 after discussing the matter with family members who attended the sentencing hearing,
11 defense counsel emailed the court reporter requesting preparation of an expedited
12 transcript to clarify the Court’s indicated and imposed sentence. The court reporter
13 indicated in a reply email that due to workload issues a transcript could not be
14 prepared for approximately 30-days. Rule 35(a) of the Federal Rules of Criminal
15 Procedure requires that any correction of a technical or clear error occur within 14
16 days of the sentencing hearing.
17
- 18 4. Defense counsel conferred with both the assigned prosecutor and the prosecutor who
19 handled the sentencing hearing about the length of the indicated and imposed
20 sentence to determine whether an error occurred. The prosecutor who attended the
21 sentencing hearing believes 48-months to be the correct sentence length. The parties
22 were therefore unable to resolve the dispute informally as to length of sentence.
23
- 24 5. Defendant Edgar Jimenez requests that the Court direct the court reporter to consult
25 the notes for the sentencing hearing and relay to the parties via email the length of the
26 27

1 Court's indicated and imposed sentence. Given the time constraints under Rule 35(a)
2 the parties request that the court reporter provide the information no later than 5:00
3 p.m. on October 2, 2019. The parties anticipate that, if warranted by the information
4 in the court reporter's notes, a stipulation for correction of the "Judgment in a
5 Criminal Case" may be filed. The proposed procedure appears to be the least
6 burdensome means of resolving a discrepancy regarding the length of the sentence
7 imposed in this case.
8

9 Assistant U.S. Attorney Justin Lee has reviewed this proposed order and authorized Todd
10 Leras via email to sign it on his behalf.
11

12 DATED: October 1, 2019

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

15 DATED: October 1, 2019

16 By /s/ Todd D. Leras
17 TODD D. LERAS
Attorney for Defendant
18 EDGAR JIMENEZ
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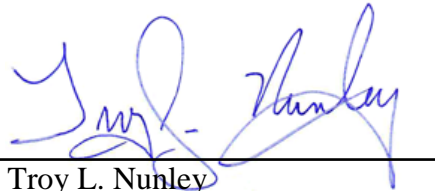
28 ORDER CONTINUING STATUS
CONFERENCE

ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that Kimberly Bennett, the court reporter assigned to transcribe the sentencing hearing in this matter held on September 19, 2019, review any notes regarding the length of the indicated and imposed sentence. The court reporter is further directed to relay, via email, to the assigned prosecutor and defense counsel the length of the Court's indicated and imposed sentence as to Edgar Jimenez. The information shall be relayed no later than 5:00 p.m. on October 2, 2019. A copy of the signed order shall be served on the assigned court reporter by defense counsel via email forthwith.

IT IS SO ORDERED.

Dated: October 1, 2019


Troy L. Nunley
United States District Judge

ORDER CONTINUING STATUS
CONFERENCE