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FILED
CLERK, U.S. DISTRICT COURT
DEC 28 2005
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

1 DEBRA WONG YANG
United States Attorney
2 THOMAS P. O'BRIEN
Assistant United States Attorney
3 Chief, Criminal Division
BRIAN M. HOFFSTADT (Cal. Bar No. 187003)
4 Assistant United States Attorneys
1200 United States Courthouse
5 312 North Spring Street
Los Angeles, California 90012
6 Telephone: (213) 894-6482
E-mail: brian.hoffstadt@usdoj.gov

7 Attorneys for Plaintiff
8 UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

NOS. CR 05-930-CW (M)

12 Plaintiff,

CR 05-1032-CW (M)

13 v.

CR 05-1033-CW (M)

14 ALBERT VALENTE,

CR 05-1034-CW (M)

15 RAMON VALDEZ,

CR 05-1035-CW (M)

16 JESSIE LUMADA,

CR 05-1036-CW (M)

17 MICHAEL FOUSSE,

CR 05-1037-CW (M)

18 DWIGHT SITYAR,

STIPULATION REGARDING CONTINUANCE
OF TRIAL DATE AND EXCLUDABLE TIME
PERIODS UNDER SPEEDY TRIAL ACT;
19 ~~PROPOSED~~ FINDINGS AND ORDER

20 STEPHANI GIMA, and

21 JOEL DIMAANO

22 Defendants.

23 Plaintiff United States of America, by and through its
24 counsel of record, the United States Attorney for the Central
25 District of California, and defendants Albert Valente, Ramon
26 Valdez, Jessie Lumada, Michael Fousse, Dwight Sityar, Stephani
27 Gima, and Joel Dimaano, by and through their respective counsel
28 of record, respectively, hereby stipulate as follows:

1. The Informations in this case were filed on October 25,
2005. Defendant Sityar first appeared before a judicial officer
in the Central District of California, and was arraigned, on

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
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1 November 21, 2005. Defendants Valdez, Lumada, Fousse, Gima and
2 Dimaano first appeared before a judicial officer in the Central
3 District of California, and were arraigned, on November 28, 2005.
4 Defendant Valente first appeared before a judicial officer in the
5 court in the Central District of California, and was arraigned,
6 on December 12, 2005. The Speedy Trial Act of 1974, 18 U.S.C.
7 § 3161 et seq., originally required that the trial commence
8 against these defendants, at best, on or before January 30, 2006.

9 2. No initial trial date was set.

10 3. By this stipulation, the parties jointly move for
11 findings of excludable time necessary to permit the continuance
12 of proceedings from December 12, 2005 -- the date of assignment
13 of these matters to the Honorable Carla Woehrle -- until January
14 24, 2006.

15 4. The parties agree and stipulate, and request that the
16 court find the following:

17 a) This case involves the transfer of electronic
18 media -- namely, CDs and DVDs containing a copy of *Star Wars:*
19 *Episode III -- Revenge of the Sith*. The government has disclosed
20 discovery to each defendant, which, among other things, consists
21 of interview summaries and other written statements.

22 b) The various counsel in this case, including
23 government and defense counsel, have met and discussed possible
24 dispositions to the various cases; by and large, the parties in
25 each of the cases have reached agreement. Counsel for each
26 defendant believes that failure to grant the above-requested
27 continuance would deny him the reasonable time necessary to
28 prepare his or her client, and to appear at, a consolidated plea

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1 hearing for each of the defendants. The government does not
2 object to the continuance.

3 c) Each defense counsel has consulted his client, and
4 each defendant concurs in the proposed continuance of the trial
5 date.

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

10 e) For the purpose of computing time under the Speedy
11 Trial Act, 18 U.S.C. § 3161, et seq., within which trial must
12 commence, the time period between December 12, 2005, and January
13 24, 2006, is deemed excludable pursuant to 18 U.S.C.
14 § 3161(h)(8)(A) because it results from a continuance granted by
15 the judge at the defendant's request without government objection
16 on the basis of the judge's finding that the ends of justice
17 served by taking such action outweigh the best interest of the
18 public and the defendant in a speedy trial.

19 5. The parties agree and stipulate and request that the
20 Court find that nothing in this stipulation and order shall
21 preclude a finding that other provisions of the Speedy Trial Act

22 ////

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27 ////

28 ////

1 dictate that additional time periods are excludable from the
2 period within which trial must commence.

3 IT IS SO STIPULATED.

4 DEBRA WONG YANG
5 United States Attorney

6 THOMAS P. O'BRIEN
7 Assistant United States Attorney
8 Chief, Criminal Division

9 DATE _____ BRIAN M. HOFFSTADT
Assistant United States Attorneys

10 Attorneys for Plaintiff
11 United States of America

12 12/18/05 _____
13 DATE WILLIAM PITMAN

14 Attorney for Defendant
15 Albert Valente

16 DATE _____ ERROL STAMBLER

17 Attorney for Defendant
18 Ramon Valdez

19 DATE _____ KIM SAVO
20 Deputy Federal Public Defender

21 Attorney for Defendant
22 Jessie Lumada

23 DATE _____ PHIL DEITCH

24 Attorney for Defendant
25 Michael Fousse

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8 Chief, Criminal Division

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11 Attorneys for Plaintiff
12 United States of America

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14 Attorney for Defendant
15 Albert Valente

12/15/05

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18 Attorney for Defendant
19 Ramon Valdez

20 DATE _____ KIM SAVO
21 Deputy Federal Public Defender
22 Attorney for Defendant
23 Jessie Lumada

24 DATE _____ PHIL DEITCH
25 Attorney for Defendant
26 Michael Fousse

CONFIDENTIAL

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Assistant United States Attorneys
10 Attorneys for Plaintiff
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Deputy Federal Public Defender

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Assistant United States Attorneys
10 Attorneys for Plaintiff
11 United States of America

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21 Deputy Federal Public Defender
22 Attorney for Defendant
23 Jessie Lumada

12-14-05

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DATE PHIL DEITCH
25 Attorney for Defendant
26 Michael Fousse
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12-14-05
DATE

Anthony M Solis
ANTHONY SOLIS

Attorney for Defendant
Dwight Sityar

DATE

DAVID KALOYANIDES

Attorney for Defendant
Stephani Gima

DATE

BRIAN NEWMAN

Attorney for Defendant
Joel Dimaano

ORDER

IT IS SO FOUND AND ORDERED this ____ day of _____,
2005.

HONORABLE CARLA WOHRLE
UNITED STATES MAGISTRATE JUDGE

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DATE

ANTHONY SOLIS

Attorney for Defendant
Dwight Sityar

12-23-05
DATE

David Kaloyanides *per BMH*
DAVID KALOYANIDES

Attorney for Defendant
Stephani Gima *(telephone authentication)*

DATE

BRIAN NEWMAN

Attorney for Defendant
Joel Dimaano

O R D E R

IT IS SO FOUND AND ORDERED this *23rd* day of _____,
2005.

HONORABLE CARLA WOHRLE
UNITED STATES MAGISTRATE JUDGE

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U.S. ATTORNEY'S OFFICE

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DATE

ANTHONY SOLIS

Attorney for Defendant
Dwight Sityar

DATE

DAVID KALOYANIDES

Attorney for Defendant
Stephani Gima

DATE

12/15/05

BRIAN NEWMAN

Attorney for Defendant
Joel Dimaano

ORDER

IT IS SO FOUND AND ORDERED this 15th day of Dec.,
2005.

Carla M. Woehrle
HONORABLE CARLA WOHRLE
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I, **YOLANDA AGUAYO**, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is the Office of the United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and I am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of United States District Court for the Central District of California, at whose discretion I served a copy of: **STIPULATION REGARDING CONTINUANCE OF TRIAL DATE AND EXCLUDABLE TIME PERIODS UNDER SPEEDY TRIAL ACT; (PROPOSED) FINDINGS AND ORDER**

Service was:

- Placed in a closed envelope, for collection and interoffice delivery addressed as follows:
- Placed in a sealed envelope for collection and mailing via United States Mail, addressed as follows:
- By hand delivery addressed as follows:
- By facsimile as follows:
- By messenger as follows:
- By federal express as follows:

SEE ATTACHED LIST

This Certificate is executed on December 27, 2005, Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.

Yolanda Aguayo
YOLANDA AGUAYO

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SERVICE LIST
U.S. v. VALENTE, ET AL.,

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VIA FACSIMILE:

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