

SCANNED

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

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

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

IT IS SO STIPULATED.

DEBRA WONG YANG
United States Attorney

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

12-20-05
DATE

Brian M. Hofstadt
BRIAN M. HOFESTADT
Assistant United States Attorneys

Attorneys for Plaintiff
United States of America

DATE

WILLIAM PITMAN
Attorney for Defendant
Albert Valente

DATE

ERROL STAMBLER
Attorney for Defendant
Ramon Valdez

DATE

KIM SAVO
Deputy Federal Public Defender
Attorney for Defendant
Jessie Lumada

DATE

PHIL DEITCH
Attorney for Defendant
Michael Fousse

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United States Attorney

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

8 DATE _____ BRIAN M. HOFFSTADT
9 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

9 DATE _____ BRIAN M. HOFFSTADT
10 Assistant United States Attorneys
11 Attorneys for Plaintiff
12 United States of America

13 DATE _____ WILLIAM PITMAN
14 Attorney for Defendant
15 Albert Valente
16 12/15/05 
17 ERROL STAMBLER

18 Attorney for Defendant
19 Ramon Valdez

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

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25 Attorney for Defendant
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7 Chief, Criminal Division

8 _____
9 DATE BRIAN M. HOFFSTADT
Assistant United States Attorneys
10 Attorneys for Plaintiff
11 United States of America

12 _____
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14 Attorney for Defendant
15 Albert Valente

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23 Attorney for Defendant
24 Jessie Lumada

12-14-05

Philip Deitch
PHIL DEITCH

25 _____
26 DATE PHIL DEITCH
27 Attorney for Defendant
28 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 WOEHRLE
UNITED STATES MAGISTRATE JUDGE

SCANNED

COPIES

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DATE

ANTHONY SOLIS

Attorney for Defendant
Dwight Sityar

12-23-05

DATE

David Kaloyanides *in BMH*
DAVID KALOYANIDES *(telephone*
Attorney for Defendant *authorization)*
Stephani Gima

DATE

BRIAN NEWMAN

Attorney for Defendant
Joel Dimaano

O R D E R

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

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 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

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

SCANNED

VIA FACSIMILE:

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ERROL STAMBLER, ESQ.
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