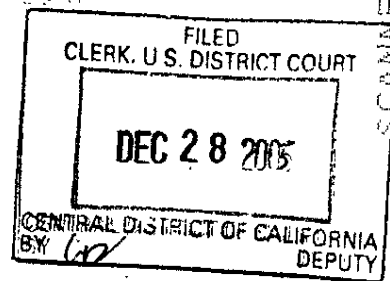


SEND

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



SCANNED

Attorneys for Plaintiff  
 UNITED STATES OF AMERICA

## UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) NOS. CR 05-930-CW (M) ✓  
 ) CR 05-1032-CW (M)  
 Plaintiff, ) CR 05-1033-CW (M)  
 ) CR 05-1034-CW (M)  
 v. ) CR 05-1035-CW (M)  
 ) CR 05-1036-CW (M)  
 ) CR 05-1037-CW (M)  
 ALBERT VALENTE, )  
 RAMON VALDÉZ, )  
 JESSIE LUMADA, ) STIPULATION REGARDING CONTINUANCE  
 MICHAEL FOUSSE, ) OF TRIAL DATE AND EXCLUDABLE TIME  
 DWIGHT SITYAR, ) PERIODS UNDER SPEEDY TRIAL ACT;  
 STEPHANI GIMA, and ) ~~[PROPOSED]~~ FINDINGS AND ORDER  
 JOEL DIMAANO )  
 Defendants. )

Plaintiff United States of America, by and through its  
 counsel of record, the United States Attorney for the Central  
 District of California, and defendants Albert Valente, Ramon  
 Valdez, Jessie Lumada, Michael Fousse, Dwight Sityar, Stephani  
 Gima, and Joel Dimaano, by and through their respective counsel  
 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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 U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF.  
 LOS ANGELES

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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 ////

23 ////

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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

12-28-05  
DATE

Brian M. Hoffstadt  
BRIAN M. HOFFSTADT  
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

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KIM SAVO  
Deputy Federal Public Defender

Attorney for Defendant  
Jessie Lumada

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Attorney for Defendant  
Michael Fousse

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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

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25 Michael Fousse

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8 Chief, Criminal Division

9 DATE

BRIAN M. HOFFSTADT  
Assistant United States Attorneys

10 Attorneys for Plaintiff  
11 United States of America

12 DATE

WILLIAM PITMAN

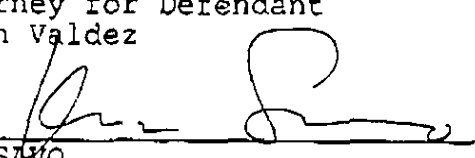
13 Attorney for Defendant  
14 Albert Valente

15 DATE

ERROL STAMBLER

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17 Ramon Valdez

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12-14-05

DATE

Anthony M Soli  
ANTHONY SOLIS

Attorney for Defendant  
Dwight Sityar

DATE

DAVID KALOYANIDES

Attorney for Defendant  
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 WOEHRL  
UNITED STATES MAGISTRATE JUDGE

SCANNED

DATE

ANTHONY SOLIS

Attorney for Defendant  
Dwight Sityar

DATE

DAVID KALOYANIDES

Attorney for Defendant  
Stephani Gima

BRIAN NEWMAN

Attorney for Defendant  
Joel Dimaano

O R D E R

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2005.

HONORABLE CARLA WOHRLE  
UNITED STATES MAGISTRATE JUDGE

SCANNED

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DATE

ANTHONY SOLIS

Attorney for Defendant  
Dwight Sityar

DATE

DAVID KALOYANIDES

Attorney for Defendant  
Stephani Gima

DATE

12/25/05

BRIAN NEWMAN

Attorney for Defendant  
Joel Dimaano

ORDER

IT IS SO FOUND AND ORDERED this 28<sup>th</sup> day of Dec.,  
2005.

  
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

SCANNED

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

SCANNED

**VIA FACSIMILE:**

BILL PITMAN, ESQ.  
Facsimile: (213) 629-0208

ERROL STAMBLER, ESQ.  
Facsimile: (310) 470-3968

KIM SAVO, ESQ.  
Facsimile: (213) 894-0081

PHIL DEITCH, ESQ.  
Facsimile: (323) 938-3318

ANTHONY SOLIS  
Facsimile: (213) 489-5923

DAVID KALOYANIDES  
Facsimile: (626) 609-0305

BRIAN NEWMAN, ESQ.  
Facsimile: (310) 337-0063