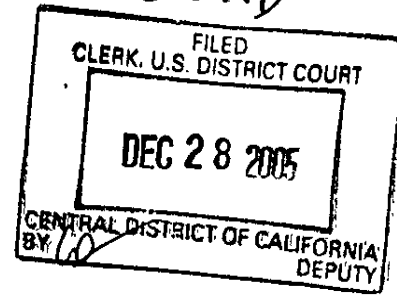


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 THOMAS P. O'BRIEN  
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 Chief, Criminal Division  
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Attorneys for Plaintiff  
 UNITED STATES OF AMERICA

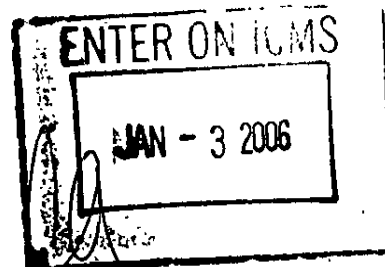
UNITED STATES DISTRICT COURT

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 VALDEZ, )  
 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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CLERK U.S. DISTRICT COURT  
 CENTRAL DISTRICT OF CALIF.  
 LOS ANGELES

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

22 ////

23 ////

24 ////

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28 ////

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. Hofstad  
BRIAN M. HOFSTADT  
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

\_\_\_\_\_  
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\_\_\_\_\_  
PHIL DEITCH

Attorney for Defendant  
Michael Fousse

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7 Chief, Criminal Division

8 DATE  
9 BRIAN M. HOFFSTADT  
Assistant United States Attorneys

10 Attorneys for Plaintiff  
11 United States of America

12 12/18/05  
13 DATE  
14 WILLIAM PITMAN

15 Attorney for Defendant  
16 Albert Valente

17 DATE  
18 ERROL STAMBLER  
19 Attorney for Defendant  
20 Ramon Valdez

21 DATE  
22 KIM SAVO  
23 Deputy Federal Public Defender  
24 Attorney for Defendant  
25 Jessie Lumada

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27 PHIL DEITCH  
28 Attorney for Defendant  
Michael Fousse

SCANNED

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Attorneys for Plaintiff  
United States of America

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Albert Valente

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ERROL STAMBLER

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Ramon Valdez

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12/19/05

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

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14 Albert Valente

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21 Attorney for Defendant  
22 Jessie Lumada

23 12-14-05  
DATE PHIL DEITCH  
24 Attorney for Defendant  
25 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

DATE

ANTHONY SOLIS

Attorney for Defendant  
Dwight Sityar

DATE

DAVID KALOYANIDES

Attorney for Defendant  
Stephani Gima

*(telephonic  
authorization)*

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

DEC-14-2005 15:48

U.S. ATTORNEY'S OFFICE

213 894 0141

P.07/07

SCANNED

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.

  
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

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

SCANNED

VIA FACSIMILE:

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Facsimile: (310) 470-3968

KIM SAVO, ESQ.  
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DAVID KALOYANIDES  
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BRIAN NEWMAN, ESQ.  
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