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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9
10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSHUA A. MARTINEZ,

14 Defendant.

Case No. 2:21-cr-00219-APG-DJA

**STIPULATION TO CONTINUE
MOTION DEADLINES AND TRIAL
DATES**

(First Request)

15
16 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
17 Acting United States Attorney, and Daniel Schiess, Assistant United States Attorney, counsel
18 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Joanne
19 L. Diamond, Assistant Federal Public Defender, counsel for Joshua Martinez, that the calendar
20 call currently scheduled for November 9, 2021 at 8:45 a.m., and the trial scheduled for
21 November 15, 2021 at 9:00 a.m., be vacated and set to a date and time convenient to this Court,
22 but no sooner than one hundred twenty (120) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
24 and including February 7, 2022, to file any and all pretrial motions and notices of defense.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
26 shall have to and including February 22, 2022, to file any and all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including March 1, 2022, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. Counsel for the defendant needs additional time to conduct investigation in this
5 case in order to determine whether there are any pretrial issues that must be litigated and
6 whether the case will ultimately go to trial or will be resolved through negotiations.

7 2. The defendant is out of custody and does not object to the continuance.

8 3. The parties agree to the continuance.

9 4. The additional time requested herein is not sought for purposes of delay, but
10 merely to allow counsel for defendant sufficient time within which to be able to effectively and
11 complete investigation of the discovery materials provided.

12 5. Additionally, denial of this request for continuance could result in a miscarriage
13 of justice. The additional time requested by this Stipulation is excludable in computing the time
14 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
15 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
16 Section 3161(h)(7)(B)(i), (iv).

17 This is the first stipulation to continue filed herein.

18 DATED this 15 day of October, 2021.

19 RENE L. VALLADARES
20 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

21 By /s/ Joanne L. Diamond

By /s/ Daniel Schiess

22 JOANNE L. DIAMOND
Assistant Federal Public Defender

DANIEL SCHIESS
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA A. MARTINEZ,

Defendant.

Case No. 2:21-cr-00219-APG-DJA

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is out of custody and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including February 7, 2022 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including February 22, 2022 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including March 1, 2022 to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the 19th day of April, 2022, by the hour of 12:00 p.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for November 9, 2021, at the hour of 8:45 a.m., be vacated and continued to April 19, 2022 at the hour of 9:00 a.m.; and the trial currently scheduled for November 15, 2021, at the hour of 9:00 a.m., be vacated and continued to April 25, 2022 at the hour of 9:00 a.m. in Courtroom 6C.

DATED this 18th day of October, 2021.


UNITED STATES DISTRICT JUDGE