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Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 GARY EDWARD KOVALL and
16 PEGGY ANNE SHAMBAUGH,

17 Defendants.
18
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No. CR 12-441A-MWF

STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT FOR DEFENDANT PEGGY ANNE
SHAMBAUGH

CURRENT TRIAL DATE: 06-02-2014
[PROPOSED] TRIAL DATE: 12-02-2015

20 Plaintiff United States of America, by and through its counsel
21 of record, the United States Attorney for the Central District of
22 California and Assistant United States Attorney Brandon D. Fox, and
23 defendant Peggy Anne Shambaugh ("defendant"), both individually and
24 by and through her counsel of record, Matthew Horeczko, hereby
25 stipulate as follows:

26 1. The Indictment in this case was filed on May 9, 2012.
27 Defendants first appeared before a judicial officer of the court in
28 which the charges in this case were pending on May 11, 2012. The

1 Speedy Trial Act, 18 U.S.C. § 3161 originally required that the
2 trial commence on or before July 20, 2012.

3 2. Defendant is released on bond pending trial.

4 3. The Court has previously continued the trial date in this
5 case to June 2, 2014, and found the interim period to be excluded in
6 computing the time within which the trial must commence, pursuant to
7 the Speedy Trial Act.

8 4. By this stipulation, defendant moves to continue the
9 trial date to December 2, 2015.

10 5. The parties request the continuance based upon the
11 following facts, which the parties believe demonstrate good cause to
12 support the appropriate findings under the Speedy Trial Act:

13 a. Defendant is charged with violations of 18 U.S.C.
14 §§ 371 (conspiracy) and 666(a)(1)(B) (bribery of an Indian tribal
15 government receiving federal funds). The government has produced
16 discovery to the defense, including tens of thousands of documents
17 consisting of investigative reports, pleadings from multiple civil
18 cases, bank records, summary charts, photographs, resolutions,
19 contracts, and tribal minutes.

20 b. The government has requested that defendant be
21 evaluated by the United States Pretrial Services Office ("PSO") to
22 determine her suitability for pretrial diversion. On March 5, 2014,
23 the PSO advised the government that it would need approximately 60
24 days to complete defendant's diversion paperwork for the Court.

25 c. On May 28, 2014, PSO sent the parties a report
26 indicating that defendant was approved for pretrial diversion. This
27 report was sent to Meghan Blanco, who is no longer with the office.
28 The government first received this report when defense counsel

1 provided it with a copy on June 5, 2014. The PSO recommends an
2 eighteen month period of supervision.


3 d. An eighteen month continuance of the trial date would
4 allow the parties and the Court to know whether the defendant has
5 complied with pretrial diversion. If she does, the government will
6 dismiss the indictment against defendant.

7 e. The requested continuance is not based on congestion
8 of the Court's calendar, lack of diligent preparation on the part of
9 the attorney for the government or the defense, or failure on the
10 part of the attorney for the Government to obtain available
11 witnesses.

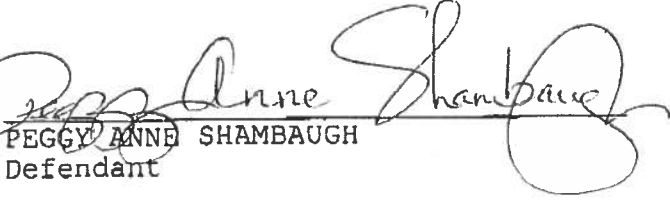
12 6. For purposes of computing the date under the Speedy Trial
13 Act by which defendant's trial must commence, the parties agree that
14 the time period of June 2, 2014 to December 2, 2015, inclusive,
15 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(2), (h)(7)(A),
16 (h)(7)(B)(i), and (h)(7)(B)(iv) because the delay results from a
17 continuance granted by the Court at defendant's request, without
18 government objection, on the basis of the Court's finding that:
19 (i) the ends of justice served by the continuance outweigh the best
20 interest of the public and defendant in a speedy trial; (ii) failure
21 to grant the continuance would be likely to make a continuation of
22 the proceeding impossible, or result in a miscarriage of justice;
23 and (iii) failure to grant the continuance would unreasonably deny
24 defendant continuity of counsel and would deny defense counsel the
25 reasonable time necessary for effective preparation, taking into
26 account the exercise of due diligence.

27 7. Nothing in this stipulation shall preclude a finding that
28 other provisions of the Speedy Trial Act dictate that additional

1 I am Peggy Anne Shambaugh's attorney. I have carefully
2 discussed every part of this stipulation and the continuance of the
3 trial date with my client. I have fully informed my client of her
4 Speedy Trial rights. To my knowledge, my client understands those
5 rights and agrees to waive them. I believe that my client's
6 decision to give up the right to be brought to trial earlier than
7 June 2, 2014 is an informed and voluntary one.

8
9  6/6/14
10 MATTHEW HORECZKO Date
11 Attorney for Defendant
12 PEGGY ANNE SHAMBAUGH

12 I have read this stipulation and have carefully discussed it
13 with my attorney. I understand my Speedy Trial rights. I
14 voluntarily agree to the continuance of the trial date, and give up
15 my right to be brought to trial earlier than June 2, 2014.

16
17  6.7.2014
18 PEGGY ANNE SHAMBAUGH Date
19 Defendant

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