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10 Attorneys for Plaintiff
11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 GARY EDWARD KOVALL, and
18 PEGGY ANNE SHAMBAUGH,
19 Defendants.

No. CR 12-441(A)-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: 03-11-2014
[PROPOSED] TRIAL DATE: 06-02-2014

21 Plaintiff United States of America, by and through its counsel
22 of record, the United States Attorney for the Central District of
23 California and Assistant United States Attorneys Brandon D. Fox and
24 Meghan A. Blanco, and defendant Peggy Anne Shambaugh ("defendant"),
25 by and through her counsel of record, Matthew Horeczko, hereby
26 stipulate as follows:
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1 1. The Indictment in this case was filed on May 9, 2012.
2 Defendants first appeared before a judicial officer of the court in
3 which the charges in this case were pending on May 11, 2012. The
4 Speedy Trial Act, 18 U.S.C. § 3161 originally required that the
5 trial commence on or before July 20, 2012.

6 2. Defendant is released on bond pending trial.

7 3. The Court has previously continued the trial date in this
8 case to March 11, 2014, and found the interim period to be excluded
9 in computing the time within which the trial must commence, pursuant
10 to the Speedy Trial Act.

11 4. This Court held a status conference in this matter on
12 March 10, 2014. At that conference, at the request of defendant,
13 the Court continued the trial date to allow pretrial services to
14 determine defendant's suitability for pretrial diversion.

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

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

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

3 c. In light of the foregoing, counsel for defendant
4 represents that additional time is necessary to confer with
5 defendant, conduct and complete an independent investigation of the
6 case, and allow the PSO sufficient time to evaluate defendant's
7 suitability for diversion. Defense counsel for defendant represents
8 that failure to grant the continuance would deny him reasonable time
9 necessary for effective preparation, taking into account the
10 exercise of due diligence.

11 d. Defendant believes that failure to grant the
12 continuance will deny her continuity of counsel and adequate
13 representation.

14 e. The government does not object to the continuance.

15 f. The requested continuance is not based on congestion
16 of the Court's calendar, lack of diligent preparation on the part of
17 the attorney for the government or the defense, or failure on the
18 part of the attorney for the Government to obtain available
19 witnesses.

20 6. For purposes of computing the date under the Speedy Trial
21 Act by which defendant's trial must commence, the parties agree that
22 the time period of March 11, 2014 to June 2, 2014, inclusive, should
23 be excluded pursuant to 18 U.S.C. §§ 3161(h)(2), (h)(7)(A),
24 (h)(7)(B)(i), and (h)(7)(B)(iv) because the delay results from a
25 continuance granted by the Court at defendant's request, without
26 government objection, on the basis of the Court's finding that:
27 (i) the ends of justice served by the continuance outweigh the best
28 interest of the public and defendant in a speedy trial; (ii) failure

1 to grant the continuance would be likely to make a continuation of
2 the proceeding impossible, or result in a miscarriage of justice;
3 and (iii) failure to grant the continuance would unreasonably deny
4 defendant continuity of counsel and would deny defense counsel the
5 reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.

7 7. Nothing in this stipulation shall preclude a finding that
8 other provisions of the Speedy Trial Act dictate that additional
9 time periods be excluded from the period within which trial must
10 commence. Moreover, the same provisions and/or other provisions of
11 the Speedy Trial Act may in the future authorize the exclusion of
12 additional time periods from the period within which trial must
13 commence.

14 IT IS SO STIPULATED.

15 Dated: March 24, 2014

ANDRÉ BIROTTE JR.
United States Attorney

ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division

19 /s/
20 _____
BRANDON D. FOX
MEGHAN A. BLANCO
Assistant United States Attorney

21 Attorneys for Plaintiff
22 UNITED STATES OF AMERICA
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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.

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9 /s/

March 24, 2014

10 MATTHEW HORECZKO
11 Attorney for Defendant
12 PEGGY ANNE SHAMBAUGH
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Date