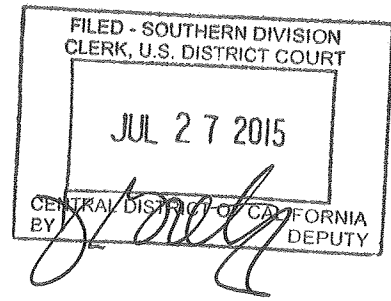


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 2 ROBERT E. DUGDALE  
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11 Attorneys for Plaintiff  
 UNITED STATES OF AMERICA  
 12

13 UNITED STATES DISTRICT COURT  
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 15 SOUTHERN DIVISION

16 UNITED STATES OF AMERICA,  
 17 Plaintiff,  
 18 v.  
 19 NADER SALEM ELHUZAYEL and  
 MUHANAD ELFATIH M. A. BADAWI,  
 20 Defendants.  
 21

No. SA CR 15-00060-DOC

**AMENDED**  
STIPULATION REGARDING REQUEST FOR  
(1) CONTINUANCE OF TRIAL DATE AND  
(2) FINDINGS OF EXCLUDABLE TIME  
PERIODS PURSUANT TO SPEEDY TRIAL  
ACT

**CURRENT TRIAL DATE: July 28, 2015**  
**NEW TRIAL DATE: June 7, 2016**

22  
 23  
 24 Plaintiff United States of America, by and through its counsel  
 25 of record, the United States Attorney for the Central District of  
 26 California and Assistant United States Attorneys JUDITH HEINZ and  
 27 CELESTE CORLETT, and defendants NADER SALEM ELHUZAYEL, individually  
 28 and by and through his counsel of record, CUAUHTEMOC ORTEGA and

1 KELLEY LANE MUNOZ, and MUHANAD ELFATIH M. A. BADAWI, individually and  
2 by and through his counsel of record, KATHERINE CORRIGAN hereby  
3 stipulate as follows:

4 1. The Indictment in this case was filed on June 3, 2015.  
5 Defendants first appeared before a judicial officer of the court in  
6 which the charges in this case were pending on May 22, 2015, and the  
7 Defendants appeared before the court for post-indictment arraignment  
8 on June 8, 2015. The Speedy Trial Act, 18 U.S.C. § 3161, originally  
9 required that the trial commence on or before August 5, 2015.

10 2. On June 8, 2015, the Court set a trial date of July 28,  
11 2015, and a status conference date of July 6, 2015; the Court later  
12 accelerated the status conference to June 24, 2015.

13 3. Defendants are detained pending trial. The United States  
14 estimates that the trial for the government's case-in-chief in this  
15 matter will last approximately fifteen days.

16 4. This Court held a status conference in this matter on June  
17 24, 2015. At that conference, at the request of the parties, the  
18 Court continued the trial date from July 28, 2015, to June 7, 2016.

19 5. The parties requested the continuance based upon the  
20 following facts, which the parties believe demonstrate good cause to  
21 support the appropriate findings under the Speedy Trial Act:

22 a. Defendants are charged in a three-count indictment  
23 with violations of 18 U.S.C. § 2339B, Conspiring to Provide Material  
24 Support to a Foreign Terrorist Organization, Attempt to Provide  
25 Material Support to a Foreign Terrorist Organization, and Aiding and  
26 Abetting an Attempt to Provide Material Support to a Foreign  
27 Terrorist Organization. The government has produced discovery to the  
28 defense, including nine discs containing recordings, one hard drive,

1 and over 688 Bates-stamped documents. The government is continuing  
2 to provide discovery on a rolling basis; the government will soon  
3 produce in discovery an additional hard drive with approximately one  
4 and one-half terabytes of information.

5           b. Due to the nature of the prosecution, including the  
6 government's intent to offer into evidence information obtained or  
7 derived from electronic surveillance conducted pursuant to the  
8 Foreign Intelligence Surveillance Act of 1978, the charges in the  
9 indictment, and the voluminous discovery produced to defendants, this  
10 case is so complex that it is unreasonable to expect adequate  
11 preparation for pretrial proceedings or for the trial itself within  
12 the Speedy Trial Act time limits.

14           c. In light of the foregoing, counsel for defendants also  
15 represents that additional time is necessary to confer with  
16 defendants, conduct and complete an independent investigation of the  
17 case, conduct and complete additional legal research including for  
18 potential pre-trial motions, review the discovery and potential  
19 evidence in the case, and prepare for trial in the event that a  
20 pretrial resolution does not occur. Defense counsel represents that  
21 failure to grant the continuance would deny them reasonable time  
22 necessary for effective preparation, taking into account the exercise  
23 of due diligence.

24           d. At the June 24, 2015 status conference, the Court  
25 advised defendants personally as to their rights under the Speedy  
26 Trial Act, and defendants knowingly and voluntarily agreed to the  
27 continuance of the trial date, and waived their right to be brought  
28 to trial earlier than June 7, 2016.

1 e. Defendants believe that failure to grant the  
2 continuance will deny them continuity of counsel and adequate  
3 representation.

4 f. The government does not object to the continuance.

5 g. The requested continuance is not based on congestion  
6 of the Court's calendar, lack of diligent preparation on the part of  
7 the attorneys for the government or the defense, or failure on the  
8 part of the attorneys for the government to obtain available  
9 witnesses.

10 6. For purposes of computing the date under the Speedy Trial  
11 Act by which defendant's trial must commence, the parties agree that  
12 the time period of July 28, 2015 to June 7, 2016, inclusive, should  
13 be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i),  
14 (h)(7)(B)(ii), and (h)(7)(B)(iv) because the delay results from a  
15 continuance granted by the Court at defendant's request, without  
16 government objection, on the basis of the Court's finding that: (i)  
17 the ends of justice served by the continuance outweigh the best  
18 interest of the public and defendant in a speedy trial; (ii) failure  
19 to grant the continuance would be likely to make a continuation of  
20 the proceeding impossible, or result in a miscarriage of justice;  
21 (iii) the case is so complex due to the nature of the prosecution,  
22 that it is unreasonable to expect preparation for pre-trial  
23 proceedings or for the trial itself within the time limits  
24 established by the Speedy Trial Act; and (iii) failure to grant the  
25 continuance would unreasonably deny defendant continuity of counsel  
26 and would deny defense counsel the reasonable time necessary for  
27 effective preparation, taking into account the exercise of due  
28 diligence.

1 7. Nothing in this stipulation shall preclude a finding that  
2 other provisions of the Speedy Trial Act dictate that additional time  
3 periods be excluded from the period within which trial must commence.  
4 Moreover, the same provisions and/or other provisions of the Speedy  
5 Trial Act may in the future authorize the exclusion of additional  
6 time periods from the period within which trial must commence.

7 IT IS SO STIPULATED.

8 Dated: June 26, 2015

Respectfully submitted,

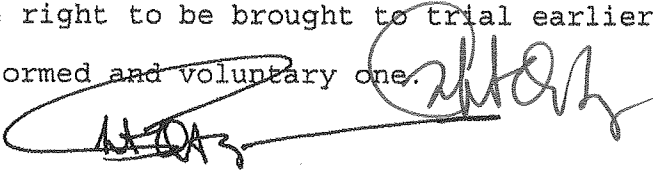
9 STEPHANIE YONEKURA  
Acting United States Attorney

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

13 /s/  
\_\_\_\_\_  
14 JUDITH HEINZ  
CELESTE CORLETT  
15 Assistant United States Attorneys

16 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

17  
18 I am NADER S. ELHUZAYEL's attorney. I have carefully discussed  
19 every part of this stipulation and the continuance of the trial date  
20 with my client. I have fully informed my client of his Speedy Trial  
21 rights. To my knowledge, my client understands those rights and  
22 agrees to waive them. I believe that my client's decision to give up  
23 the right to be brought to trial earlier than June 7, 2016 is an  
24 informed and voluntary one.

25   
26 \_\_\_\_\_  
CUAUHTEMOC ORTEGA  
27 KELLEY LANE MUNOZ  
Attorneys for Defendant  
28 NADER S. ELHUZAYEL

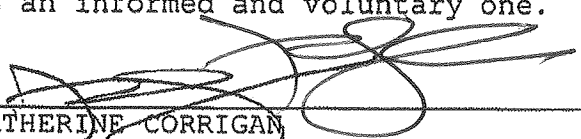
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I have read this stipulation and have carefully discussed it with my attorney. I understand my Speedy Trial rights. I voluntarily agree to the continuance of the trial date, and give up my right to be brought to trial earlier than June 7, 2016.

  
\_\_\_\_\_  
NADER S. ELHUZAYEL  
Defendant  
Date 7/27/15

I am MUHANAD E. M. A. BADAWI's attorney. I have carefully discussed every part of this stipulation and the continuance of the trial date with my client. I have fully informed my client of his Speedy Trial rights. To my knowledge, my client understands those rights and agrees to waive them. I believe that my client's decision to give up the right to be brought to trial earlier than June 7, 2016 is an informed and voluntary one.

  
\_\_\_\_\_  
KATHERINE CORRIGAN  
Attorney for Defendant  
MUHANAD E. M. A. BADAWI  
Date 7/27/15  
6/29/15

I have read this stipulation and have carefully discussed it with my attorney. I understand my Speedy Trial rights. I voluntarily agree to the continuance of the trial date, and give up my right to be brought to trial earlier than June 7, 2016.

  
\_\_\_\_\_  
MUHANAD E. M. A. BADAWI  
Defendant  
Date 7/27/15  
06/29/15