

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MORAD MARCO GARMO (1),  
GIOVANNI VINCENZO  
TILOTTA (3),  
aka "Gio Tilotta,"  
WAIEL YOUSIF ANTON (5),  
aka "Will Anton,"

Defendants.

Case No.: 19-cr-4768-GPC

**ORDER GRANTING JOINT MOTION  
TO CONTINUE STATUS HEARING  
AND EXCLUDE TIME UNDER THE  
SPEEDY TRIAL ACT**

Following the Court's review of the parties' joint motion to continue status hearing and exclude time under the Speedy Trial Act, and pursuant to 18 U.S.C. § 3161(h)(7),

IT IS HEREBY ORDERED that:

1. The telephonic status hearing presently set for May 1, 2020 at 11:30 a.m. is continued to June 3, 2020 at 1 p.m. At such hearing, the Court will inquire as to the status of discovery and address any discovery issues that exist. In addition, at the hearing, the Court will entertain additional arguments regarding Defendant Wael Yousif Anton's Motion to Sever.

1           2.     In addition, the Court hereby sets a motion hearing to be held on October  
2 8, 2020 at 1:00 p.m. The parties shall file their motions, if any, two weeks before the  
3 hearing date, with responses due one week prior to the hearing.

4           3.     Time from March 13, 2020 until October 8, 2020 is excluded under the  
5 Speedy Trial Act, as the Court finds that the ends of justice served by granting the  
6 continuance outweigh the best interest of the public and the defendants in a speedy trial  
7 for the following reasons:

- 8           a.     The ongoing public health emergency recognized in the Orders of the  
9 Chief Judge of this Court has made preparing for trial and the filing of  
10 motions substantially more difficult; although the parties have  
11 exercised reasonable diligence in reviewing discovery, identifying and  
12 interviewing witnesses, and otherwise preparing for trial, the present  
13 circumstances has burdened those efforts and a reasonable continuance  
14 is appropriate to enable them to be accomplished;
- 15           b.     The discovery in this case is very voluminous; the United States  
16 requires additional time to complete its production and the defense  
17 requires additional time to review it under the present circumstances,  
18 which have made those tasks more difficult;
- 19           c.     Based in part on the volume of discovery and the nature of the  
20 allegations in the indictment, this Court has previously recognized the  
21 unusual complexity of this matter and hereby reaffirms its prior oral  
22 findings that this case is complex within the meaning of the Speedy  
23 Trial Act, 18 U.S.C. § 3161(h)(7)(B)(ii).
- 24           d.     The Court also finds that a failure to grant the requested continuance  
25 would deny defense counsel the reasonable time necessary to prepare  
26 for trial, taking into account the existence of due diligence.

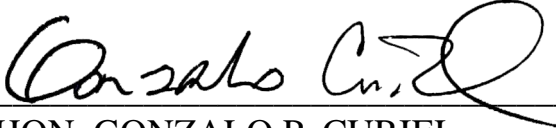
27           4.     Time shall accordingly be excluded under 18 U.S.C. § 3161(h)(7)(B)(ii)  
28 and (iv). The Court expressly finds that this continuance is granted, in part, based upon

1 the extraordinary circumstances of the ongoing public health emergency, as recognized  
2 in the Orders of the Chief Judge of this Court and approved by the Ninth Circuit Judicial  
3 Council, and not because of general congestion of the court's calendar, or lack of  
4 diligent preparation on the part of any party.

5 5. Time shall also be excluded as to each defendant individually pursuant to  
6 18 U.S.C. § 3161(h)(6), based upon the Court's finding that this exclusion is reasonable  
7 as to each individual defendant based upon the exclusion as to his codefendants. In  
8 particular, the Court finds that the exclusion is reasonable as to Defendant Waiel Anton,  
9 given the facts outlined above, and based upon the exclusion of time on his  
10 codefendants' request and the prior denial without prejudice of Anton's motion to sever.

11 SO ORDERED.

12  
13 DATED: April 28, 2020

14  
15   
16

HON. GONZALO P. CURIEL  
United States District Court  
Southern District of California