

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
TRACEY ANN VALENZUELA,
Defendant.

No. 11-00471-DLJ

**[PROPOSED] ORDER SETTING
DEFENDANT'S APPEARANCE FOR
NOVEMBER 1, 2011 AND EXCLUDING
TIME FROM SEPTEMBER 1, 2011 TO
NOVEMBER 1, 2011, FROM
CALCULATIONS UNDER THE
SPEEDY TRIAL ACT (18 U.S.C. § 3161**

On September 1, 2011, counsel for the parties appeared before United States Magistrate Judge Paul S. Grewal. James McNair Thompson, Esq. represented the defendant. The United States was represented by Assistant United States Attorneys Matthew A. Parrella and Hanley Chew.

The counsel for the parties met and conferred concerning the terms for defendant's pretrial release. Specifically, the parties discussed and reached an agreement concerning the

terms of defendant's use of computers and other electronic devices and access to the Internet.

The Court stated that it would adopt the agreement by the parties. Therefore, the Court orders the existing terms for the defendant's pretrial release remain unchanged except as follows:

(1) Defendant shall not participate in or access any Internet Relay Chats (IRC);

(2) Defendant shall not use or access the Twitter website or service;

(3) Defendant shall identify to Pretrial Services all computers and/or electronic devices that he requests to use which could be used to access either IRC or Twitter or the Internet except those computers and/or electronic devices in office of his attorney for the conduct of his defense;

(4) Defendant shall not delete any Internet history, registry information, cookies, or other tracking information on the computers and/or electronic devices that he identifies except those computers and/or electronic devices in office of his attorney for the conduct of his defense;

(5) Pretrial Services will have the right to inspect and examine the contents of all of the computers and/or electronic devices designated by the defendant after providing defendant with reasonable notice except those computers and/or electronic devices in office of his attorney for the conduct of his defense to ensure that the defendant has not used any IRC or Twitter services, and has not deleted any Internet history, registry information, cookies or other tracking information;

(6) The inspection and examination of the computers and/or electronic devices shall not include personal communications, such as communications with counsel, family members and friends otherwise not precluded as co-defendants or known members of the Anonymous, Lulzsec, or Anti-Sec groups; activities related to school or work; or financial activity;

(7) Defendant shall be present during the examination of his computers and/or electronic devices, and the computer and/or electronic devices shall not be kept for inspection and examination beyond any appointment for such inspection and examination;

(8) Nothing in this Order shall be construed to limit the authority of Pretrial Services to request leave of the Court to either extend the period of examination for defendant's computers and/or electronic devices or examine the computers and/or electronic devices outside

of the presence of the defendant.

(9) Defendant shall not communicate with any other defendants in the above-captioned case except in the physical or virtual presence of his counsel; and

(10) Defendant shall not communicate with any individuals that he knows to be members of the Anonymous, Lulzsec, or Anti-Sec groups.

The Court ordered the parties to appear before the Honorable D. Lowell Jensen on November 1, 2011 at 9:00 a.m. as the next appearance. Given that amount of discovery in this case, the number of defendant and the need of defense counsel for additional time to investigate the facts of the case, the parties requested that the Court enter an exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from September 1, 2011 through November 1, 2011. The parties also requested that, given the voluminous discovery, complexity of the issues and large number of defendants, the Court designate this case as complex pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii).

Therefore, for good cause shown, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from September 1, 2011 through November 1, 2011 based upon the need for the defense counsel to investigate further the facts of the present case, and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and is in the defendant's best interests; and (3) the ends of justice are served by excluding from calculations the period from September 1, 2011 through November 1, 2011.

Accordingly, the Court orders that next appearance in this case shall be November 1, 2011 before this Court and the time from September 1, 2011 through November 1, 2011 be

1 excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161. The Court also
2 that this case be designated as complex pursuant to U.S.C. § 3161(h)(7)(B)(ii).

3 **IT IS SO ORDERED.**

4 DATED: September __, 2011.

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6 HONORABLE PAUL S. GREWAL
7 United States Magistrate Judge
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