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Attorneys for Plaintiff  
10 UNITED STATES OF AMERICA

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

13 UNITED STATES OF AMERICA,  
14 Plaintiff,  
15 v.  
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WESTERN DISTRIBUTION, LLC,  
17 aka "Advanced  
Distribution  
18 Inc.," and  
CARL BRADLEY JOHANSSON,  
19 aka "Brad Johnson,"  
aka "Carl Johnson,"  
20 aka "C. Brad Johanson,"  
aka "Jay Johnson,"  
21 aka "Keith Golatta,"  
22 Defendants.  
23

ED CR No. 5:21-00170-VAP

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

**CURRENT TRIAL DATE:** 9-14-21  
**PROPOSED TRIAL DATE:** 3-1-22

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 Attorney Matthew O'Brien and  
27 Joseph Johns, and defendant CARL BRADLEY JOHANSSON, aka "Brad  
28 Johnson," aka "Carl Johnson," aka "C. Brad Johanson," aka "Jay

1 Johnson," aka "Keith Golatta" ("defendant"), by and through his  
2 counsel of record, Mark Werksman, Karen Sosa, and Caleb Mason,  
3 hereby stipulate as follows:

4 1. The Indictment in this case was filed on July 21, 2021.  
5 Defendant first appeared before a judicial officer of the court in  
6 which the charges in this case were pending on July 8, 2021. The  
7 Speedy Trial Act, 18 U.S.C. § 3161, originally required that  
8 defendant's trial commence on or before September 29, 2021.

9 2. On July 26, 2021, the Court set a trial date of September  
10 14, 2021 and a pretrial conference for August 30, 2021.

11 3. Defendant is detained pending trial. The parties estimate  
12 that the trial in this matter will last approximately five days.

13 4. By this stipulation, defendant moves to continue the trial  
14 date to March 1, 2022 and the pretrial conference to February 14,  
15 2022. This is the first request for a continuance.

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

19 a. In the instant case, defendant is charged with a  
20 violation of Conspiracy to Commit Bank Fraud/Committed while on Pre-  
21 trial Release, in violation of 18 U.S.C. §§ 1349 and 3147, and Bank  
22 Fraud/Committed while on Pre-trial Release, in violation of 18  
23 U.S.C. §§ 1344(2) and 3147. The government has produced discovery  
24 to the defense, including more than 6,800 pages of written reports,  
25 bank records, emails, and related documents.

26 b. Defendant is one of four defendants scheduled to go  
27 to trial in a related case, United States v. National Distribution  
28 Services, Inc. et al., 18-CR-114(B)-VAP, on January 18, 2022. In

1 that case, the government has produced more than 900,000 pages of  
2 discovery to defendant, including a large amount of video footage.

3 c. Co-defendant Western Distribution, Inc. ("WESTERN")  
4 has not yet been arraigned in this case. The government filed a  
5 plea agreement for WESTERN on August 12, 2021. Defendant signed the  
6 plea agreement for WESTERN as WESTERN's authorized corporate  
7 representative.

8 d. The government filed a consolidated plea agreement  
9 for defendant on August 12, 2021, in which he agreed to plead guilty  
10 in the instant case as well as the related case. Defendant was  
11 scheduled (along with WESTERN) to enter his guilty pleas at a  
12 hearing on August 13, 2021, but he had to be transported to a  
13 hospital by the U.S. Marshals that morning just prior to the  
14 hearing, due to concerns related to his health. Defendant's (and  
15 WESTERN's) change of plea hearing was then rescheduled for August  
16 16, 2021, but shortly before that hearing he was placed in a 14-day  
17 quarantine at the West Valley Detention Center in San Bernardino  
18 County, California, due to a COVID-19 protocol requirement for that  
19 facility. As a result of the quarantine, counsel for defendant is  
20 unable to communicate with him until August 30, 2021, at the  
21 earliest. Defendant's unavailability for two out of the remaining  
22 four weeks prior to the current trial date hinders defendant's  
23 ability to plead guilty in court, or, alternatively, to prepare for  
24 trial in a practical, diligent, or meaningful manner.

25 e. In light of the foregoing, counsel for defendant also  
26 represents that additional time is necessary to confer with  
27 defendant, conduct and complete an independent investigation of the  
28 case, conduct and complete additional legal research including for

1 potential pre-trial motions, review the discovery and potential  
2 evidence in the case, and prepare for trial in the event that a  
3 pretrial resolution does not occur. Defense counsel represents that  
4 failure to grant the continuance would deny them reasonable time  
5 necessary for effective preparation, taking into account the  
6 exercise of due diligence.

7 f. Defendant believes that failure to grant the  
8 continuance will deny him continuity of counsel and adequate  
9 representation.

10 6. Defendant also requests the continuance based upon the  
11 following facts related to the COVID-19 pandemic, which the parties  
12 also believe demonstrate good cause to support the appropriate  
13 findings under the Speedy Trial Act:

14 a. In March 2020, the Central District of California  
15 suspended jury trials and adopted many other restrictions to reduce  
16 exposure to the COVID-19 virus and slow its spread. The measures  
17 were necessary to protect health and safety.

18 b. Jury trials have resumed. See C.D. Cal. General  
19 Order No. 21-07, at 3 ¶ 3 (Apr. 15, 2021). However, there is a  
20 substantial backlog of cases that were continued to protect the  
21 public. Moreover, the Central District has designed COVID-related  
22 jury trial protocols "to protect the health and safety of all trial  
23 participants," and those protocols limit the number of jury trials  
24 that can be conducted simultaneously. General Order 21-07, at 2-3  
25 ¶ 4.

26 c. Based on continued public health concerns and the  
27 adoption of safety protocols limiting the number of jury trials in  
28 order to maintain social distancing and protect all trial

1 participants, a continuance of the trial date in this matter will  
2 serve the ends of justice and outweigh the interests of the public  
3 and defendant in a speedy trial. The parties stipulate to that  
4 fact, and it is consistent with the Central District's finding.  
5 General Order 21-07, at 3 ¶ 4. The parties further stipulate that  
6 under the extraordinary circumstances of the COVID-19 pandemic, the  
7 requested continuance is not based on general congestion of the  
8 Court's calendar, lack of diligent preparation by counsel, or any  
9 failure on the part of the government to obtain available witnesses.  
10 The government does not object to the request for a continuance.

11 d. Failure to grant the requested continuance would  
12 likely make a continuation of the proceeding impossible or result in  
13 a miscarriage of justice, particularly given the need for a complete  
14 and continuously serving jury, which is central to the sound  
15 administration of justice. Failure to grant a continuance would  
16 also likely put parties, witnesses, jurors, venirepersons, counsel,  
17 and Court personnel at risk.

18 e. Moreover, and under the specific circumstances of  
19 this case, a continuance is particularly appropriate here because of  
20 defendant's unavailability - due to COVID-19 quarantine issues - to  
21 enter a guilty plea, or, in the alternative, to adequately prepare  
22 for trial.

23 7. Based on all of the foregoing, for purposes of computing  
24 the date under the Speedy Trial Act by which defendant's trial must  
25 commence, the parties agree that the time period of September 14,  
26 2021 to March 1, 2022, inclusive, should be excluded pursuant to 18  
27 U.S.C. §§ 3161(h)(3)(A), (h)(7)(A), (h)(7)(B)(i) and (h)(7)(B)(iv)  
28 because the delay results from a continuance granted by the Court at

1 defendant's request, without government objection, on the basis of  
2 the Court's findings that: (i) defendant is absent or unavailable  
3 due to restrictions or limitations resulting from the COVID-19  
4 pandemic; (ii) the ends of justice served by the continuance  
5 outweigh the best interest of the public and defendant in a speedy  
6 trial; (iii) failure to grant the continuance would be likely to  
7 make a continuation of the proceeding impossible, or result in a  
8 miscarriage of justice; and (iv) failure to grant the continuance  
9 would unreasonably deny defendant continuity of counsel and would  
10 deny defense counsel the reasonable time necessary for effective  
11 preparation, taking into account the exercise of due diligence.

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

19 IT IS SO STIPULATED

20 Dated: August 24, 2021

Respectfully submitted,

21 TRACY L. WILKISON  
22 Acting United States Attorney

23 SCOTT M. GARRINGER  
24 Assistant United States Attorney  
Chief, Criminal Division

25 /s/

26 MATTHEW W. O'BRIEN  
27 JOSEPH O. JOHNS  
Assistant United States Attorney

28 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

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2 I am defendant CARL BRADLEY JOHANSSON's attorney. Although my  
3 client is currently in quarantine at the West Valley Detention  
4 Center and inaccessible, I have previously explained to him in  
5 detail his Speedy Trial rights and the potential need for a  
6 continuance of the current trial date. To my knowledge, my client  
7 understands those Speedy Trial rights and agrees to waive them. I  
8 believe that my client's decision to give up the right to be brought  
9 to trial earlier than March 1, 2022 is an informed and voluntary  
10 one.

11 /s/ (Mark Werksman, via email authorization) August 23, 2021

12 MARK WERKSMAN  
13 CALEB MASON  
KAREN SOSA

Date

14 Attorneys for Defendant  
15 CARL BRADLEY JOHANSSON  
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