

1 TRACY L. WILKISON
Acting United States Attorney
2 BRANDON D. FOX
Assistant United States Attorney
3 Chief, Criminal Division
RICHARD E. ROBINSON (Cal. Bar No. 90840)
4 Assistant United States Attorney
Major Frauds Section
5 1100 United States Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-0713
7 Facsimile: (213) 894-6269
E-mail: Richard.Robinson@usdoj.gov

8 DANIEL S. KAHN
Acting Chief, Fraud Section
9 BENJAMIN A. SALTZMAN
Trial Attorney (NY Bar No. 5151477)
10 Criminal Division, Fraud Section
United States Department of Justice
11 1400 New York Avenue, NW
Washington, DC 20005
12 Phone: (202)514-0337
13 Email: Benjamin.Saltzman@usdoj.gov

14 Attorneys for Plaintiff
15 UNITED STATES OF AMERICA

16 UNITED STATES DISTRICT COURT

17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 HASSAN KANYIKE,

22 Defendant.
23
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No. 20-mj-05936

STIPULATED REQUEST FOR (1)
CONTINUANCE OF DATE BY WHICH AN
INDICTMENT OR INFORMATION MUST BE
FILED; (2) FINDINGS OF EXCLUDABLE
TIME PURSUANT TO THE SPEEDY TRIAL
ACT; AND (3) CONTINUANCE OF POST-
INDICTMENT ARRAIGNMENT DATE

25 Plaintiff United States of America, by and through its counsel
26 of record, the United States Attorney for the Central District of
27 California and Assistant United States Attorney Richard E. Robinson,
28 and defendant HASSAN KANYIKE ("defendant"), both individually and by

1 and through defendant's counsel of record, Victor Sherman, hereby
2 jointly stipulate and move as follows:

3 1. On December 8, 2020, defendant was arrested in this case
4 on a complaint for a violation of 18 U.S.C. §§ 1344 (2) (bank
5 fraud). The complaint was supported by an agent's 26-page affidavit
6 describing defendant's alleged bank fraud scheme. (ECF 1.)

7 2. On December 9, 2020, defendant was presented and arraigned
8 on the complaint. (ECF 6.)

9 3. On December 18, 2020, defendant and his counsel signed and
10 filed a Waiver of Preliminary Hearing. (ECF 16.)

11 4. Defendant is released on bond. (ECF 18.)

12 5. The Speedy Trial Act, 18 U.S.C. § 3161(b), originally
13 required that an information or indictment charging defendant be
14 filed on or before January 7, 2021, i.e., within thirty days from
15 the date on which defendant was arrested.

16 6. On December 28, 2020, the Honorable Gail J. Standish,
17 United States Magistrate Judge for the Central District of
18 California, pursuant to a stipulation by the parties, ordered that:
19 (1) the date by which an indictment or information must be filed in
20 this matter is continued from January 7, 2021, to January 29, 2021;
21 (2) post-indictment arraignment is continued from December 29, 2020,
22 to February 2, 2021; and (3) the time from December 9, 2020, to
23 January 10, 2021, inclusive, is excluded in computing the time
24 within which the indictment or information must be filed, pursuant
25 to 18 U.S.C. § 3161(h)(7)(A). (ECF 19, 20.)

26 7. By this stipulation, the parties jointly request that the
27 Court continue the date by which an information or indictment must
28 be filed from January 29, 2021, to February 26, 2020. Defendant,

1 his counsel, and government counsel need additional time to consider
2 entering into a plea agreement prior to the filing of an indictment.

3 8. The parties further request that the Court continue
4 defendant's Post-Indictment Arraignment from February 2, 2021, to
5 March 2, 2021, at 11:30 a.m.

6 9. The parties agree and stipulate, and request that the
7 Court find, that the ends of justice outweigh the interest of the
8 public and defendant in the filing of an information or indictment
9 within the original date prescribed by the Speedy Trial Act because:

10 a. The arrest of defendant, on December 8, 2020,
11 occurred at a time such that it is unreasonable to expect return and
12 filing of an indictment within the period specified in Section
13 3161(b). 18 U.S.C. § 3161(b)(h)(7)(B)(iii).

14 b. The facts upon which the grand jury must base its
15 determination are complex and, thus, it would be unreasonable to
16 expect return and filing of an indictment within the period
17 specified in Section 3161(b). 18 U.S.C. § 3161(b)(h)(7)(B)(iii).

18 c. The foregoing is particularly true given the limited
19 time a grand jury would have to consider the facts because of the
20 restrictions on grand juries imposed by the COVID-19 pandemic:

21 i. By Order of the Chief Judge issued on December
22 7, 2020, this Court activated its Continuity of Operations ("COOP")
23 Plan "effective December 9, 2020 at 5:00 p.m. through and including
24 January 8, 2021." C.D. Cal. Order of the Chief Judge No. 20-179, In
25 Re: Coronavirus Public Emergency, Activation of Continuity of
26 Operations Plan, at 2 (Dec. 7, 2020). The COOP Plan was activated
27 in response to the surging number of cases of COVID-19 in the
28 Central District of California. Id. Pursuant to the COOP Plan, all

1 regularly scheduled grand jury proceedings are suspended and grand
2 jurors are not required to report for service. Id. at 3.

3 ii. By Order of the Chief Judge issued on January 6,
4 2021, this Court extended the COOP Plan. Pursuant to the extension,
5 all regularly scheduled grand jury proceedings continue to be
6 suspended through and including January 29, 2021. C.D. Cal. Order
7 of the Chief Judge No. 21-002, In Re: Coronavirus Public Emergency,
8 Extension of Continuity of Operations Plan, at 2 (Jan. 6, 2021).

9 iii. The last grand jury session in the Central
10 District of California was on December 9, 2020, one day after
11 defendant's arrest on the complaint. The next available grand jury
12 session, consistent with Order No. 21-002, will be no sooner than
13 Monday, February 1, 2021.

14 10. Based on the foregoing, the parties request that the Court
15 find that for the purpose of computing time under the Speedy Trial
16 Act, 18 U.S.C. § 3161(b), within which an information or indictment
17 must be filed, the time period of from December 9, 2020, through
18 January 29, 2021, inclusive, is deemed excludable pursuant to 18
19 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iii), because the ends of
20 justice served by granting a continuance outweigh the best interest
21 of the public and the defendant in a filing of an information or
22 indictment within the period specified in Section 3161(b).

23 11. The parties agree and stipulate, and request that the
24 Court find, that nothing in this stipulation and accompanying order
25 shall preclude a finding that other provisions of the Speedy Trial
26 Act dictate that additional time periods are excludable from the

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1 period within which an information or indictment must be filed.

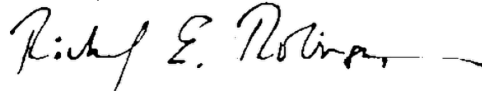
2 IT IS SO STIPULATED

3 Dated: January 15, 2021

Respectfully submitted,

4 TRACY L. WILKISON
Acting United States Attorney

5 BRANDON D. FOX
6 Assistant United States Attorney
Chief, Criminal Division

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RICHARD E. ROBINSON
9 Assistant United States Attorney
BENJAMIN A. SALTZMAN
10 Trial Attorney

11 Attorneys for Plaintiff
12 UNITED STATES OF AMERICA

13 

14 Dated: January 15, 2021

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VICTOR SHERMAN

16 Attorney for Defendant
17 HASSAN KANYIKE

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19 DECLARATION OF VICTOR SHERMAN

20 I am defendant Hassan Kanyike's attorney. I have carefully
21 discussed every part of this stipulation with my client, including
22 the requested extension for filing an information or indictment to
23 February 26, 2021, and continuance of the Post-Indictment
24 Arraignment to March 2, 2021, at 11:30 a.m. I have fully informed
25 my client of his Speedy Trial rights. To my knowledge, my client
26 understands those rights and agrees to waive them. I believe that
27 my client's decision to give up the right to have an information or
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1 indictment filed on or before January 29, 2021, and continue such
2 deadline to February 26, 2021, is an informed and voluntary one.

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4 Dated: January 15, 2021


VICTOR SHERMAN
Attorney for Defendant
HASSAN KANYIKE

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7 DECLARATION OF HASSAN KANYIKE

8 I have read this stipulation and have carefully discussed it
9 with my attorney, Victor Sherman. I understand my Speedy Trial
10 rights. I voluntarily agree to the continuance of the date by which
11 an information or indictment must be filed, to give up my right to
12 have an information or indictment filed on or before January 29,
13 2021, and to continue that filing deadline to February 26, 2021. I
14 understand that I will be ordered to appear in the duty courtroom of
15 the Roybal Federal Building and United States Courthouse, 255 East
16 Temple Street, Los Angeles, California, on March 2, 2021, at 11:30
17 a.m., for post-indictment arraignment.

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19 Dated: January 15, 2021


HASSAN KANYIKE