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Attorney for Defendant,
DAVID HE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. DAVID HE, Defendant.	CASE NO.: 1:23-CR-00219-DAD-EPG-1 **MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL; AND ORDER**

Defendant, DAVID HE, by and through his attorney of record, moves for an extension of time in which to file new trial motions.

Said request is based upon the Declaration of Anthony P. Capozzi.

1) This attorney represented the defendant, David He in the jury trial of this case.
2) A verdict was returned on May 5, 2026.
3) Rule 33(b)(2) of the Federal Rules of Criminal Procedure requires that a Motion for New Trial be filed within fourteen days of the verdict, which would be May 19, 2026.
4) The jury trial went on for approximately twelve days. This attorney has not had the time to review the notes taken in this case nor do any research.
5) The sentencing date is August 24, 2026.
6) It is respectfully requested that this attorney be granted an extension based on the following schedule:

a. From May 11, 2026 through June 12, 2026, this attorney is scheduled to appear in numerous cases in the Federal District Court and Fresno County Superior Court.

b. In *United States v. Yama*, case number 1:21-CR-00272-JWH-EPG, lengthy motions hearings were held on May 11, 2026 and *in limine* motions are due on May 29, 2026.

c. On June 16, 2026, this attorney is scheduled to appear in a jury trial in *People v. Baronian*, case number MCR055617, Madera County Superior Court. This offense occurred in 2017. The jury trial is expected to go for two weeks.

d. On June 30, 2026, in *Perez v. Alnajar, et al.*, case number 24CECG03606, Fresno County Superior Court, a mediation is scheduled which should last the entire day.

7) The government has no opposition to a request for a continuance.

8) It is respectfully requested that the time to file motions for new trial be filed no later than July 10, 2026.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 15th day of May, 2026.

Respectfully submitted,

/s/ Anthony P. Capozzi .
ANTHONY P. CAPOZZI, Attorney for DAVID HE

ORDER

IT IS HEREBY ORDERED that Defendant's request is GRANTED.

IT IS FURTHER ORDERED that the deadline for filing any Motion for New Trial be extended up to and including July 10, 2026.

IT IS SO ORDERED.

Dated: **May 15, 2026**

Dale A. Drozd

DALE A. DROZD
UNITED STATES DISTRICT JUDGE