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Attorney for Defendant,
DAVID HE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

*****

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID HE,

Defendant.

CASE NO.: 1:23-CR-00219-DAD-EPG

STIPULATION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL TO AUGUST 31, 2026; AND ORDER

Defendant, DAVID HE, by and through his attorney of record, Anthony P. Capozzi, and Plaintiff, United States of America, by and through its attorney of record, Assistant United States Attorney, Joseph D. Barton, hereby stipulate that the deadline to file defense's Motion for New Trial be extended to August 31, 2026. Said stipulation is based upon the declaration of Anthony P. Capozzi.

I, Anthony P. Capozzi declare:

1) This attorney represented the defendant throughout the jury trial in the above-entitled matter.
2) The transcriptions of the jury trial, in its entirety, were produced to the defense on June 21, 2026, amounting to approximately 1,937 pages.
3) This attorney had a federal jury trial scheduled for July 27, 2026, in *United States v. Yama*, case number 1:21-CR-00272-JWH-EPG, before Visiting

Judge John. W. Holcomb.

4) This attorney was actively engaged in trial preparation and related pretrial matters until the case was subsequently resolved, and the previously scheduled jury trial was vacated.

5) The government produced approximately 994 pages of additional discovery on August 4, 2026.

6) This attorney was out of the office from August 1, 2026, to August 9, 2026.

7) It is respectfully requested that the following schedule be set as follows:

	Deadline
Motion for New Trial	August 31, 2026
Government Responses	October 1, 2026
Defense Replies	October 13, 2026
Sentencing	October 26, 2026

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 20th day of August 2026.

Respectfully submitted,

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

/s/ Joseph D. Barton
JOSEPH D. BARTON, Attorney for UNITED STATES OF AMERICA

ORDER

IT IS HEREBY ORDERED that based upon the stipulation of parties, good cause is found that the defense's Motion for New Trial extension be GRANTED.

IT IS FURTHER ORDERED that the deadline for filing any Motion or New Trial be extended up to and including August 31, 2026, with Government Response due on October 1, 2026, Defense Reply due on October 13, 2026, and the hearing on defendant's motion for a new trial and, if appropriate, sentencing be set for October 26, 2026, at 9:30 a.m. in Courtroom 4 of the Sacramento courthouse.

IT IS SO ORDERED.

Dated: **August 20, 2026**

Dale A. Drozd

DALE A. DROZD
UNITED STATES DISTRICT JUDGE