

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :  
 :  
 :  
 v. :  
 :  
 :  
 DAVID STOCKMAN, J. MICHAEL :  
 STEPP, DAVID COSGROVE, PAUL :  
 BARNABA, :  
 :  
 Defendants. :  
 :  
-----X

07 Cr. 220 (BSJ)

Order

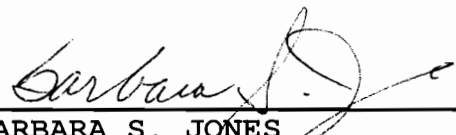
BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

In an Order dated July 16, 2008, the Court noted that the Speedy Trial "clock" was tolled upon the filing of Defendant Barnaba's motion of April 3, 2008, and further triggered by Defendant Stockman's motion of July 11, 2008. However, the Order was incomplete in that it omitted discussion of 18 U.S.C. § 3161(h)(1)(J), which excludes a delay "not to exceed thirty days" for any period "during which any proceeding concerning the defendant is actually under advisement by the court." See also United States v. Bufalino, 683 F.2d 639, 644-45 (2d Cir. 1982) (holding that § 3161(h)(1)(J) applies to pretrial motions). Thus, the Speedy Trial clock remains tolled until thirty days after Defendant Stockman's motion of July 11, 2008 has been fully submitted.

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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/21/08



SO ORDERED:

  
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BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

Dated: New York, New York  
July 21, 2008