

1 **SUMMIT DEFENSE**
2 **A Professional Law Corporation**
3 **JAMES T. REILLY, Attorney at Law**
4 **California State Bar No. 67254**
5 **4040 Civic Center Drive, Suite 200**
6 **San Rafael, CA 94903**

7 **Phone: 510-412-8900**
8 **Cell: 415-913-0787**
9 **Fax: 415-689-5213**
10 **email: jim@summitdefense.com**

11 **Attorneys for Defendant**
12 **SUDHISH KASABA RAMESH**

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN JOSE DIVISION**

16 **UNITED STATES OF AMERICA,** : **Case No. CR 20-00289 LHK**
17 :
18 **Plaintiff,** : **STIPULATION AND ~~(PROPOSED)~~**
19 : **ORDER CONTINUING DATE FOR**
20 **vs.** : **ENTRY OF PLEA AGREEMENT AND**
21 : **EXCLUDING TIME UNDER THE SPEEDY**
22 **SUDHISH KASABA RAMESH,** : **TRIAL ACT**
23 :
24 **Defendant.** :
25 :
26 :
27 :
28 :

29 **STIPULATION**

30
31 Plaintiff United States of America, by and through counsel,
32 Assistant United States Attorney Susan Knight, and Defendant Sudhish
33 Kasaba Ramesh, by and through counsel James T. Reilly, hereby
34 stipulate and agree to vacate the currently scheduled date for entry
35 of plea agreement of Friday, July 31, 2020, and to reschedule the
36 matter for entry of plea agreement at 9:15 am, Wednesday, August 26,
37 2020.
38

1 The purpose of the requested continuance is to permit the
2 defendant and defense counsel to properly prepare for post-plea
3 considerations in a timely manner, including potential immigration,
4 employment and probation/supervision consequences.

5 Mr. Ramesh is in the United States on an H1 visa and has a green
6 card application pending. Although he and his employer recognize
7 that his guilty plea in this case may have immigration consequences,
8 up to and including deportation, his employer (Stitch Fix) is willing
9 to work with him regarding the possibility of his remaining in the
10 country and continuing to work for the company. The employer is
11 exploring the alternatives and conducting its own consultation
12 regarding the potential immigration/employment consequences.

13 Whether he can remain in the United States or not and whether he
14 can retain his current employment are both considerations that will
15 have a considerable impact on Mr. Ramesh and his family.

16 An additional consideration is the possibility that if Mr.
17 Ramesh is deported, he could serve any period of supervised release
18 or probation in his native country of India, while continuing to work
19 either for his current employer or another employer.

20 Mr. Ramesh asked defense counsel to request a delay in entering
21 his plea until August 10th; however, because the best available court
22 date is Wednesday, the 26th, the request is for that date.

23 In his email to counsel regarding this request, Mr. Ramesh wrote
24 in part: "I have submitted my passport and I am NOT a flight risk
25 nor will I harm anyone."

26 Defense counsel received today an email from Supervising
27 Pretrial Services Officer Gustavo Rangel, who has been assigned to
28 complete a post bail report to Judge Cousins. He has requested that

1 we schedule an interview to be completed not later than Wednesday,
2 August 5, 2020. Mr. Ramesh and counsel will comply with that
3 request.

4 The parties also request that the Court exclude time under the
5 Speedy Trial Act from July 30, 2020 through August 26, 2020. The
6 delay will permit defense counsel to assist Mr. Ramesh in properly
7 and diligently preparing for the post-plea consequences of his guilty
8 plea, and will serve the interests of the public and the defendant in
9 arriving at an early resolution of this case.

10 IT IS SO STIPULATED.


11
12 On behalf of Plaintiff the United States of America:

13 DAVID L. ANDERSON
14 UNITED STATES ATTORNEY

15 /s/ Susan Knight

16 _____
17 SUSAN KNIGHT
18 Assistant United States Attorney

19 On behalf of Defendant Sudhish Kasaba Ramesh:

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21 _____
22 JAMES T. REILLY, Attorney at Law
23 Counsel for Defendant
24 Sudhish Kasaba Ramesh
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~~(PROPOSED)~~ ORDER

The Court having considered the stipulation of the parties to vacate the currently scheduled date for entry of plea agreement of Friday, July 31, 2020, and to reschedule the matter for entry of plea agreement at 9:15 am, Wednesday, August 26, 2020, and good cause appearing therefore:

IT IS HEREBY ORDERED that:

The currently scheduled date for entry of plea agreement of Friday, July 31, 2020, is vacated, and the matter is rescheduled for entry of plea agreement at 9:15 am, Wednesday, August 26, 2020.

Time shall be excluded from the Speedy Trial Act from July 30, 2020 through August 26, 2020 based upon the stipulation by the parties and a finding that the ends of justice served by granting the continuance outweigh the interests in the public and the defendants in a speedy trial. The failure to grant the stipulated continuance would deny defense counsel reasonable time necessary for effective preparation in this case, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: July 30, 2020



The Honorable Lucy H. Koh
Judge, United States District Court
Northern District of California (San Jose)