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UNITED STATES DISTRICT COURT **DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KELLY ANN MOGAVERO,

Defendant.

Case No. 2:15-CR-00074-JAD-NJK

Findings of Fact, Conclusions of Law and Order

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

- 1. The current revocation hearing is scheduled for May 20, 2024. Government counsel will be out of the district for work from May 20 through May 23, 2024, and on previously scheduled leave on May 24, 2024.
- 2. Both counsel for the defense and counsel for the government need additional time to prepare for the revocation hearing in this case. The parties have agreed to continue the hearing for at least 60 days because defense counsel needs additional time to consult with Mogavero and prepare her for the hearing.
- 3. Moreover, the parties have agreed to try to negotiate a global resolution to include the revocation violations and a pre-indictment agreement regarding allegations of a new federal law violation that has not yet been charged against the defendant. Mogavero is represented by retained counsel, Mace Yampolsky, Esq., in the new law violation matter. The defense requires additional time to adequately advise Mogavero regarding any plea negotiations.



- 4. The defendant is not incarcerated and does not object to the continuance.
- 5. The parties agree to the continuance.
- 6. The additional time requested herein is not sought for purposes of delay, but merely to allow the defense sufficient time within which adequately prepare for the hearing.

 Additionally, denial of this request for continuance could result in a miscarriage of justice, and the ends of justice served by granting this request, outweigh the best interest of the public and the defendant in a speedy hearing.
 - 7. This is the third stipulation to continue the revocation hearing.

<u>ORDER</u>

THEREFORE, IT IS HEREBY ORDERED that the revocation hearing in the above-captioned matter, currently scheduled for May 20, 2024, at 10:30 a.m., be vacated and continued to a date and time convenient to this Court, that is on July 29, 2024, at the hour of 10:00 a.m.

DATED this 16th day of May 2024.

HONORABLE JENNIFER A. DORSEY United States District Court Judge