

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Attorneys for Defendants,  
\_\_\_\_\_ ]

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA  
  
Plaintiffs,  
  
v.  
  
\_\_\_\_\_  
  
Defendant.

Case No.: \_\_\_\_\_

**STIPULATION AND ORDER FOR  
RETURN SEIZED PROPERTY**

On or about January 16, 2016, Military Police Officers (“MP’s”) patrolling the \_\_\_\_\_ area of Marine Corps Base Miramar (“MCAS Miramar”) encountered a number of bicycle riders. The MP’s believed the bicyclists were trespassing upon military land in violation of 18 U.S.C. 1382 and were cited as such. In addition, the bicycles were seized and impounded and remain in the custody and control of MCAS Miramar officials.

The purpose of this stipulation and proposed order is to ensure the timely and release of the Defendants’ bicycles while preserving the Government’s rights with respect to chain of custody and similar evidentiary matters.

In light of the above, IT IS HEREBY AND EXPRESSLY AGREED, by and between Defendants [names], the Office of the Staff Judge Advocate at MCAS Miramar, and the Office of the United States Attorney for the Southern District of California, that:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1. MCAS Miramar officials shall create a list of, and photograph, all bicycles confiscated on [date].
2. On or before [date], MCAS Miramar officials shall ensure all aforementioned bicycles are brought to a mutually-acceptable location for pickup directly by the Law Office of \_\_\_\_\_.
3. The Law Office of \_\_\_\_\_ will provide a truck in which to transport all bicycles from the agreed-upon location, and off MCAS Miramar property.
4. The Law Office of \_\_\_\_\_ will assume all liability and costs for returning the bicycles to their owners, and will indemnify and hold harmless MCAS Miramar and its officials from any and all claims related to returning the bicycles to their respective owners.
5. The Law Office of \_\_\_\_\_ will assume responsibility to ensuring the timely production, upon reasonable demand, of any bicycle(s) for inspection or for purposes of any hearing related to this matter.
6. In consideration for Items 1-5 above, Defendants, and each of them, waive all chain of custody arguments, issues and defenses and stipulates to the authenticity of all bicycles listed and photographed pursuant to Item # 1 above under Federal Rule of Evidence, Rule 901.
7. Each Defendant will provide proof of identification and ownership of said bicycle, by declaration, CDL or other reliable means.
8. Each Defendant and bicycle owner shall appear in Court, as previously agreed by signatures of the citation.

So Stipulated:

Dated: \_\_\_\_\_

\_\_\_\_\_  
OFFICE OF THE STAFF JUDGE ADVOCATE, MCAS  
MIRAMAR

So Stipulated:

Dated: \_\_\_\_\_

\_\_\_\_\_  
For Defendant, Case No. \_\_\_\_\_