

GREGORY W. FOSTER (State Bar No. 121931)

FOSTER LAW GROUP

1104 Corporate Way

Sacramento, CA 95831

Phone: (916) 395-4422

Fax: (916) 395-4423

Email: greglaw@jps.net

Attorney for David Dixon

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EARSHALL HAYES,
LEON CURRIE FIELDS, JR., AND
DAVID WILLIAM DIXON,

Defendant(s).

) Case No.: 2:15-CR-00118-GEB

) **STIPULATION AND [PROPOSED]**
) **ORDER CONTINUING STATUS**
) **CONFERENCE; FINDING OF**
) **EXCLUDABLE TIME**

) DATE: April 22, 2016

) TIME: 9:00 a.m.

) JUDGE: Hon. Garland E. Burrell, Jr.

STIPULATION

1. By previous order, this matter was set for status on April 22, 2016.

2. By this stipulation, defendants now move to continue the status conference until June 3, 2016, and to exclude time between April 22, 2016, and June 3, 2016, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes investigative reports and telephone records. This discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendants desire additional time to consult with their clients to review the current charges, to conduct investigation and research related to the charges, to review the discovery for this matter, and to discuss potential resolutions with his/her client. Further, counsel for the government is in the process of formulating potential plea offers for these

1 remaining defendants. The primary defendant has entered a plea and now the parties are
2 working on agreements for the balance of the defendants.

3 c) Counsel for defendants believe that failure to grant the above-requested
4 continuance would deny counsel the reasonable time necessary for effective preparation,
5 taking into account the exercise of due diligence.

6 d) The government does not object to the continuance.

7 e) Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendant in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of April 22, 2016 to June 3, 2016,
12 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
13 because it results from a continuance granted by the Court at defendants' request on the basis
14 of the Court's finding that the ends of justice served by taking such action outweigh the best
15 interest of the public and the defendant in a speedy trial.

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17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a
19 trial must commence.

20 IT IS SO STIPULATED.

21 DATED: April 21, 2016

BENJAMIN B. WAGNER
United States Attorney

22
23 /s/ Paul Hemesath
PAUL HEMESATH
Assistant United States Attorney
Attorney for Plaintiff United States

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26 DATED: April 21, 2016

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28 /s/ Gregory W. Foster
GREGORY W. FOSTER
Attorney for Defendant David Dixon

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2 DATED: April 21, 2016

3 /s/ Kelly Babineau
4 KELLY BABINEAU
Attorney for Defendant Earshell Hayes

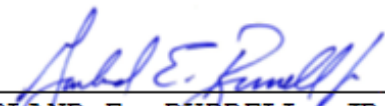
5 DATED: April 21, 2016

6 /s/ Philip Cozens
7 PHILIPCOZENS
Attorney for Defendant Leon Currie Fields

8
9 **ORDER**

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11 IT IS SO ORDERED.

12 Dated: April 21, 2016

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16 GARLAND E. BURRELL, JR.
17 Senior United States District Judge
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