

BENJAMIN B. WAGNER  
United States Attorney  
PAUL A. HEMESATH  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.

EARSHELL HAYES,  
LEON CURRIE FIELDS, JR., AND  
DAVID WILLIAM DIXON,  
  
Defendants.

CASE NO. 2:15-CR-00118-GEB

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
[PROPOSED] FINDINGS AND ORDER

DATE: February 12, 2016  
TIME: 9:00 a.m.  
COURT: Hon. Garland E. Burrell, Jr.

**STIPULATION**

1. By previous order, this matter was set for status on February 12, 2016.
2. By this stipulation, defendants now move to continue the status conference until March 25, 2016, and to exclude time between February 12, 2016, and March 25, 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.

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

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

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

8 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
9 et seq., within which trial must commence, the time period of February 12, 2016 to March 25,  
10 2016, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
11 T4] because it results from a continuance granted by the Court at defendants' request on the basis  
12 of the Court's finding that the ends of justice served by taking such action outweigh the best  
13 interest of the public and the defendant in a speedy trial.

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

17 IT IS SO STIPULATED.

18  
19 Dated: February 9, 2016

BENJAMIN B. WAGNER  
United States Attorney

20  
21 /s/ PAUL A. HEMESATH  
PAUL A. HEMESATH  
22 Assistant United States Attorney

23  
24 Dated: February 9, 2016

/s/ KELLY BABINEAU  
KELLY BABINEAU  
25 Counsel for Defendant  
26 EARSHELL HAYES  
27  
28

1 Dated: February 9, 2016

/s/ PHILIP COZENS

PHILIP COZENS

Counsel for Defendant

LEON CURRIE FIELDS, JR.

4 Dated: February 9, 2016

/s/ GREGORY W. FOSTER

GREGORY W. FOSTER

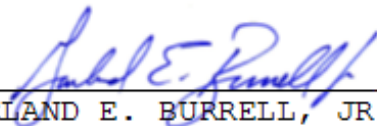
Counsel for Defendant

DAVID WILLIAM DIXON

8 **FINDINGS AND ORDER**

9 IT IS SO FOUND AND ORDERED.

10 Dated: February 11, 2016

12   
13 \_\_\_\_\_  
14 GARLAND E. BURRELL, JR.  
15 Senior United States District Judge