

KELLY BABINEAU (CA State Bar #190418)

The Law Office of Kelly Babineau

455 Capitol Mall, Ste 802

Sacramento, CA 95814

Tel:(916) 442-4948

Fax: (916) 492-2909

[kbabineau@klblawoffice.net](mailto:kbabineau@klblawoffice.net)

Attorney for EARSHELL HAYES

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA, ) No. 15-CR-00118GEB

Plaintiff, )

v. )

) STIPULATION AND

) [PROPOSED] ORDER TO CONTINUE

) STATUS CONFERENCE

EARSHELL HAYES, )

LEON CURRIE FIELDS, JR., and ) Date: 11-4-2016

DAVID WILIAM DIXON, ) Time: 9:00 a.m.

Defendants. ) Judge: Hon. Garland E. Burrell

)

Plaintiff United States of America, by and through its counsel of record,  
and defendants EARSHELL HAYES, LEON FIELDS, and DAVID DIXON, by and  
through their counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status October 28, 2016.

2. By this stipulation, defendant now moves to continue the status  
conference until November 4, 2016, and to exclude time between October 28, 2016 and  
November 4, 2016, under Local Code T4. Plaintiff does not oppose this request.

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

1 a. The government has provided initial discovery.

2 b. Counsel for defendants desire additional time to complete the review of  
3 discovery, to conduct defense investigation, and to discuss potential resolution with  
4 their clients. It is expected that counsel will be able to determine if the case will resolve  
5 or should be set for trial by the next court date.  
6

7 c. Counsel for defendants believes that failure to grant the above-requested  
8 continuance would deny them the reasonable time necessary for effective preparation,  
9 taking into account the exercise of due diligence.  
10

11 d. The government does not object to the continuance.  
12

13 e. Based on the above-stated findings, the ends of justice served by  
14 continuing the case as requested outweigh the interest of the public and the defendant in  
15 a trial within the original date prescribed by the Speedy Trial Act.  
16

17 f. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C.  
18 § 3161, et seq., within which trial must commence, the time period of October 28, 2016  
19 to November 4, 2016, inclusive, is deemed excludable pursuant to 18 U.S.C. §  
20 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by  
21 the Court at defendant's request on the basis of the Court's finding that the ends of  
22 justice served by taking such action outweigh the best interest of the public and the  
23 defendant in a speedy trial.  
24

25 4. Nothing in this stipulation and order shall preclude a finding that other  
26 provisions of the Speedy Trial Act dictate that additional time periods are excludable  
27 from the period within which a trial must commence.  
28

1 IT IS SO STIPULATED.

2  
3 Dated: October 27, 2016

Respectfully submitted,

4  
5 /s/ Kelly Babineau  
KELLY BABINEAU  
6 Attorney for Earshell Hayes

7 /s/ Philip Cozens  
8 PHILIP COZENS  
9 Attorney for Leon Fields

10 /s/ Gregory Foster  
11 GREGORY FOSTER  
Attorney for David Dixon

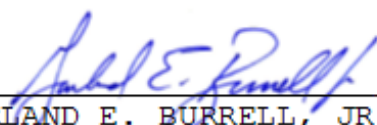
12  
13 Dated: October 27, 2016

/s/ Paul Hemesath  
14 PAUL HEMESATH  
15 Assistant U.S. Attorney

16 **ORDER**

17  
18 IT IS SO FOUND AND ORDERED.

19 Dated: October 27, 2016

20  
21   
22 GARLAND E. BURRELL, JR.  
23 Senior United States District Judge  
24  
25  
26  
27  
28