

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

Attorney for EARSHELL HAYES

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

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

Plaintiff,)

v.)

) STIPULATION AND

) ORDER TO CONTINUE

) STATUS CONFERENCE

MICHAEL DESHONE MATHEWS,)

EARSHELL HAYES,)

LEON CURRIE FIELDS, JR., and) Date: 12-10-2015

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

Defendants.)

) Judge: Hon. Morrison C. England

Plaintiff United States of America, by and through its counsel of record,
and defendants MICHAEL MATHEWS, 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 November 5, 2015.

2. By this stipulation, defendant now moves to continue the status
conference until December 10, 2015, and to exclude time between November 5, 2015
and December 10, 2015, under Local Code T4. Plaintiff does not oppose this request.

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

1 following:

2 a. The government has provided initial discovery of over 300 pages. Further
3 discovery is expected to be produced shortly.
4

5 b. Counsel for defendants desire additional time to complete the review of
6 discovery, to conduct defense investigation, and to discuss potential resolution with
7 their clients. In particular, counsel for Earshell Hayes was recently retained and needs
8 an opportunity to review the discovery and discuss the material with her client.
9 Counsels have also been continuing to engage in negotiations with the government.
10

11 c. Counsel for defendants believes that failure to grant the above-requested
12 continuance would deny them the reasonable time necessary for effective preparation,
13 taking into account the exercise of due diligence.
14

15 d. The government does not object to the continuance.
16

17 e. Based on the above-stated findings, the ends of justice served by
18 continuing the case as requested outweigh the interest of the public and the defendant in
19 a trial within the original date prescribed by the Speedy Trial Act.
20

21 f. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C.
22 § 3161, et seq., within which trial must commence, the time period of November 5,
23 2015 to December 10, 2015, inclusive, is deemed excludable pursuant to 18 U.S.C. §
24 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by
25 the Court at defendant's request on the basis of the Court's finding that the ends of
26 justice served by taking such action outweigh the best interest of the public and the
27 defendant in a speedy trial.
28

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

IT IS SO STIPULATED.

Dated: November 3, 2015

Respectfully submitted,

/s/ Patrick Hanly
PATRICK HANLY
Attorney for Michael Mathews

/s/ Kelly Babineau
KELLY BABINEAU
Attorney for Earshell Hayes

/s/ Philip Cozens
PHILIP COZENS
Attorney for Leon Fields

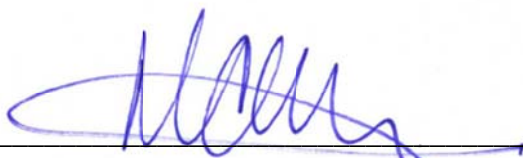
/s/ Gregory Foster
GREGORY FOSTER
Attorney for David Dixon

Dated: November 3, 2015

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

IT IS SO ORDERED.

DATED: November 10, 2015


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT