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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: 9-16-2016

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 August 26, 2016.

2. By this stipulation, defendant now moves to continue the status
conference until September 16, 2016, and to exclude time between August 26, 2016 and
September 16, 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 of over 300 pages. Further
2 discovery is expected to be produced shortly.

3
4 b. Counsel for defendants desire additional time to complete the review of
5 discovery, to conduct defense investigation, and to discuss potential resolution with
6 their clients.

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

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.

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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 August 26, 2016
19 to September 16, 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: August 24, 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

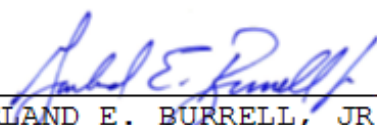
12
13 Dated: August 24, 2016

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

16 **ORDER**

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18 IT IS SO FOUND AND ORDERED.

19 Dated: August 24, 2016

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21 
22 GARLAND E. BURRELL, JR.
23 Senior United States District Judge
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