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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. RICKY LEE RICHARDSON, JR., Defendant.	CASE NO. 2:16-CR-00069 TLN STIPULATION AND ORDER TO RESET TRIAL DATE AND FOR EXCLUSION OF TIME UNDER SPEEDY TRIAL ACT DATE: February 26, 2018 TIME: 9:30 a.m. COURT: Hon. Troy L. Nunley

The United States of America, by and through Assistant United States Attorney Brian A. Fogerty, and defendant Ricky Lee Richardson, Jr., by and through counsel Danny D. Brace, Jr., hereby agree and stipulate as follows:

1. On August 31, 2017, the Court set this case for trial beginning February 26, 2018. ECF No. 53. The parties request that the Court vacate the February 26, 2018, trial date, and set this case for trial beginning on March 12, 2018. The parties estimate that the trial will last two weeks. The parties further request that the trial confirmation hearing remain on January 25, 2018, at 9:30 a.m.

2. The government has produced approximately 500 pages of discovery and made available for inspection electronic devices and certain other materials. Counsel for the defendant was retained in August 2017, and will need time to review the allegations underlying all of the charges in the superseding indictment, examine the evidence, confer with his client, and prepare for trial.

3. Based on the foregoing facts, the parties agree that the interests of justice served by

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vacating the February 26, 2018, trial date, and resetting the case for trial on March 12, 2018, and excluding the intervening time under the Speedy Trial Act, outweighs the best interest of the public and the defendant in a speedy trial. The parties request that the Court adopt the facts set forth herein and order time excluded from the date of this Order to and including March 12, 2018, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4, to allow defense counsel to investigate and prepare for trial.

Dated: October 3, 2017

PHILLIP A. TALBERT
United States Attorney

By: /s/ BRIAN A. FOGERTY
BRIAN A. FOGERTY
Assistant United States Attorney

Dated: October 3, 2017

/s/ DANNY D. BRACE, JR.
[authorized by email]
DANNY D. BRACE, JR.
Counsel for Defendant
Ricky Lee Richardson, Jr.

ORDER

The Court, having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court VACATES the February 26, 2018, trial date, and RESETS the case for trial to begin on March 12, 2018. The Court will hold a trial confirmation hearing on January 25, 2018, at 9:30 a.m. The Court also specifically finds that based on the facts set forth in the parties' stipulation, the failure to grant a continuance and exclude the time between the date of this Order and March 12, 2018, would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds the ends of justice are served by the continuance and outweigh the best interests of the public and the defendant in a speedy trial. Time from the date of this Order to and including March 12, 2018, is

excluded from the computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4.

IT IS SO ORDERED.

Dated: October 3, 2017

Troy L. Nunley
United States District Judge