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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN ROGERS,

Defendant.

CASE NO. 2:17-CR-00018 JAM

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

DATE: August 1, 2017
TIME: 9:15 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and Defendant, by and through Defendant's counsel of record, hereby stipulate as follows:

1. This matter is presently set for a status conference on July 31, 2017. By this stipulation, the parties now move to continue the status conference until September 26, 2017 at 9:15 a.m., and to exclude time between August 1 and September 26, 2017 at 9:15 a.m., under Local Code T4. The Court has previously continued the status conference from March 20 to May 9, and then to June 27, and then to August 1.

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

a) The Government represents that the discovery associated with this case presently comprises approximately eighty-five pages of documents and an audio/visual recording that is approximately ninety minutes long. This discovery has been produced directly to Defendant's

1 counsel.

2 b) Counsel for Defendant continues to review the discovery, conduct his
3 investigation, and consult with Defendant about how to proceed with the case, including whether
4 to pursue a resolution with the Government.

5 c) Counsel for Defendant submits that failure to grant the requested continuance
6 would deny him reasonable time to consult with his client and assess how to proceed with this
7 case, including whether and on what terms to resolve the case, taking into account the exercise of
8 due diligence.

9 d) The Government does not object to the continuance.

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

13 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of August 1 to September 26, 2017 at
15 9:15 a.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
16 Code T4] because it results from a continuance granted by the Court at the parties' request on the
17 basis of the Court's finding that the ends of justice served by taking such action outweigh the
18 best interest of the public and Defendant in a speedy trial.

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

22 IT IS SO STIPULATED.

23
24 Dated: July 31, 2017

PHILLIP A. TALBERT
United States Attorney

25
26 /s/ OWEN ROTH
OWEN ROTH
27 Assistant United States Attorney
28

1 Dated: July 31, 2017

2 /s/ JOHNNY GRIFFIN
3 JOHNNY GRIFFIN
4 Counsel for Defendant
5 JOHN ROGERS
6

7 **FINDINGS AND ORDER**

8 IT IS SO FOUND AND ORDERED this 31st day of July, 2017.
9

10 /s/ John A. Mendez
11 THE HONORABLE JOHN A. MENDEZ
12 UNITED STATES DISTRICT COURT JUDGE
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