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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: April 24, 2018
TIME: 9:00 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 April 24, 2018. By this stipulation, the parties now move to continue the status conference until May 8, 2018 at 9:15 a.m., and to exclude time between April 24 and May 8, 2018 at 9:15 a.m., under Local Code T4.

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 counsel. Further, the Government has provided Defendant with a proposed plea agreement.

b) Counsel for Defendant continues to review the discovery, conduct his

1 investigation, and consult with Defendant about how to proceed with the case, including whether
2 to pursue a resolution with the Government. More precisely, Defendant's counsel is now
3 reviewing the proposed plea agreement with Defendant and requests a modest continuance so
4 that he may complete their review of it.

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. The Government notes that
10 it has advised Defendant's counsel that it will withdraw the plea agreement if Defendant has not
11 accepted it by the May 8 status conference. If this event occurs, the Government will ask the
12 Court for trial confirmation hearing and trial dates. If Defendant timely accepts the plea
13 agreement, the parties anticipate conducting a change of plea hearing at the next status
14 conference.

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

18 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
19 et seq., within which trial must commence, the time period of April 24, 2018 to May 8, 2018 at
20 9:15 a.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
21 Code T4] because it results from a continuance granted by the Court at the parties' request on the
22 basis of the Court's finding that the ends of justice served by taking such action outweigh the
23 best interest of the public and Defendant in a speedy trial.

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

IT IS SO STIPULATED.

Dated: April 23, 2018

McGREGOR W. SCOTT
United States Attorney

/s/ OWEN ROTH
OWEN ROTH
Assistant United States Attorney

Dated: April 23, 2018

/s/ JOHNNY GRIFFIN
JOHNNY GRIFFIN
Counsel for Defendant
JOHN ROGERS

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 23rd day of April, 2018.

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