

PHILLIP A. TALBERT  
United States Attorney  
OWEN ROTH  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

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: October 10, 2017  
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 October 10, 2017. By this stipulation, the parties now move to continue the status conference until November 14, 2017, the prior date of the status conference, and to exclude time between September 26 (the previously scheduled date of the status conference) and November 14, 2017, 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, and then to September 26.

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

1 approximately ninety minutes long. This discovery has been produced directly to Defendant's  
2 counsel.

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

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

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

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

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

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

23 IT IS SO STIPULATED.

24 Dated: September 25, 2017

PHILLIP A. TALBERT  
United States Attorney

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

1 Dated: September 25, 2017

/s/ JOHNNY GRIFFIN

JOHNNY GRIFFIN

Counsel for Defendant

JOHN ROGERS

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4  
5 **FINDINGS AND ORDER**

6 IT IS SO FOUND AND ORDERED this 25<sup>th</sup> day of September, 2017.

7  
8 /s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ

UNITED STATES DISTRICT COURT JUDGE