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Attorney for Defendant
JOHN ROGERS

IN THE UNITED STATES DISTRICT COURT
FOR THE 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;
[PROPOSED] FINDINGS AND ORDER**

DATE: June 27, 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. By previous order, this matter was set for status on June 27, 2017.
2. By this stipulation, defendant now moves to continue the status conference to August 1, 2017 at 9:15 a.m., and to exclude time between June 27, 2017 and August 1, 2017, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented 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 defense counsel.
 - b) Counsel for defendant continues to review discovery, conduct his investigation

1 and consult with Defendant about how to proceed with the case, including whether to pursue a
2 resolution with the government.

3 c) Counsel for defendant submits that the failure to grant the above-requested
4 continuance would deny him the reasonable time necessary for effective preparation, taking into
5 account the exercise of due diligence.

6 d) The government does not object to the continuance.

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

10 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of May 9, 2017 to June 27, 2017,
12 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
13 because it results from a continuance granted by the Court at defendant's request on the basis of
14 the Court's finding that the ends of justice served by taking such action outweigh the best interest
15 of the public and the defendant in a speedy trial.

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

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2 IT IS SO STIPULATED.

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4 Dated: June 23, 2017

PHILLIP A. TALBERT
United States Attorney

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6 /s/ Owen Roth
OWEN ROTH
Assistant United States Attorney

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9 Dated: June 23, 2017

/s/ Johnny L. Griffin, III
JOHNNY L. GRIFFIN, III
Counsel for Defendant
John Rogers

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13 **FINDINGS AND ORDER**

14 IT IS SO FOUND AND ORDERED this 26th day of June, 2017

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