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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;  
FINDINGS AND ORDER**

DATE: May 9, 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 May 9, 2017.
2. By this stipulation, defendant now moves to continue the status conference June 27, 2017 at 9:15 a.m., and to exclude time between May 8, 2017 and June 27, 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: May 8, 2017

PHILLIP A. TALBERT  
United States Attorney

5  
6 /s/ Owen Roth  
OWEN ROTH  
Assistant United States Attorney

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9 Dated: May 8, 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 8<sup>th</sup> day of May, 2017

15  
16 /s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE