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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, vs. CURTIS PHILLIPS, CHARLES RAY GOODMAN, DEBORAH LYNN POLLARD, CONWAY PHILLIPS, JR., and ELO WILLIE WADLEY, Defendants.	Case No.: 2:17-CR-023 TLN STIPULATION AND ORDER CONTINUING STATUS CONFERENCE AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT Date: August 30, 2018 Time: 9:30 a.m. Court: Hon. Troy L. Nunley

This matter is presently set for a status conference on August 30, 2018. The case involves a charged conspiracy to distribute cocaine base. The Drug Enforcement Administration's investigation included the use of confidential sources, controlled purchases, and court-authorized wiretaps of a pager and two cellular telephones. The government has provided voluminous discovery to defense counsel, including nearly 500 pages of investigative reports and

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three discs of recordings and other materials.

The parties to this action, Plaintiff United States of America by and through Assistant United States Attorney Jason Hitt, Attorney Toni White on behalf of Defendant Deborah Lynn Pollard, Attorney Steve Plesser on behalf of Defendant Conway Phillips, Jr., and Attorney Todd Leras on behalf of Defendant Elo Willie Wadley, stipulate as follows:

1. By this stipulation, Defendants now move to vacate the status conference presently set for August 30, 2018. The parties request to continue the status conference to September 27, 2018, at 9:30 a.m., and to exclude time between August 30, 2018 and September 27, 2018 under Local Code T-4. The United States does not oppose this request.
2. Two of the defendants in this matter have reached resolution and the remainder are continuing to work toward the same. Due to the volume of discovery in the case, including 500 pages of investigative reports and three discs containing additional materials, defense counsel for all defendants are engaged in ongoing review of the discovery and defense investigation related to potential defenses in this matter. This investigation is necessary to ensure that potential defenses are explored and discussed with each defendant in the case.
3. All defense counsel represent and believe that failure to grant additional time as requested would deny each of them the reasonable time necessary for effective preparation, considering the exercise of due diligence.
4. Based on the above-stated facts, the parties jointly request that the Court find that the ends of justice served by continuing the case as requested outweigh the best interest

of the public and the Defendants in a trial within the time prescribed by the Speedy Trial Act.

5. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq*., within which trial must commence, the time period of August 30, 2018 to September 27, 2018, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance granted by the Court at Defendants' request on the basis that the ends of justice served by taking such action outweigh the best interest of the public and the Defendants in a speedy trial.

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

Assistant U.S. Attorney Jason Hitt and the below-signed defense counsel have reviewed this proposed order and authorized Toni White to sign it on their behalf.

DATED: August 28, 2018

By Toni White for
JASON HITT
Assistant United States Attorney

DATED: August 28, 2018

By /s/ Toni White
TONI L. WHITE
Attorney for Defendant
DEBORAH POLLARD

DATED: August 28, 2018

By /s/ Toni White for
STEVE PLESSER
Attorney for Defendant
CONWAY PHILLIPS, JR.

DATED: August 28, 2018

By /s/ Toni White for
TODD D. LERAS
Attorney for Defendant
ELO WADLEY

ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter, scheduled for August 30, 2018, is vacated. A new status conference is scheduled for September 27, 2018, at 9:30 a.m. The Court further finds, based on the representations of the parties and Defendants' request, that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from August 30, 2018, up to and including September 27, 2018.

DATED: August 28, 2018

Troy L. Nunley
United States District Judge