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Attorneys for Defendant
CONWAY PHILLIPS JR.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA Plaintiff, vs. CONWAY PHILLIPS JR., Defendant. _____/	Case No.: 2:17-CR-023 TLN **STIPULATION REGARDING EXCLUDABLE TIME PERIODS UNDER SPEEDY TRIAL ACT; FINDINGS AND ORDER** Date: June 18, 2020 Time: 9:15 a.m. Judge: Hon. Troy L. Nunley

IT IS HEREBY STIPULATED by and between defendant Conway Phillips Jr., by and through undersigned defense counsel, and the United States of America, by and through its counsel, Jason Hitt, Assistant United States Attorney, that the status conference currently set for June 18, 2020 should be continued until August 27, 2020, and to exclude time between June 18, 2020 and August 27, 2020, under Local Code T4.

The parties are working toward a negotiated resolution of this matter. Those efforts have been complicated by measures taken to mitigate the spread of COVID-19. Specifically, on March 18, 2020, Chief United States District Judge Kimberly J. Mueller issued General Order 612 restricting access to federal courthouses in the Eastern District of

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California until May 1, 2020. On April 17, 2020, General Order 617 extended access restrictions until June 1, 2020.

General Order 618, issued on May 13, 2020, extended the courthouse restrictions until further notice. These orders, and the public health crisis that they address, have impacted the ability of defense counsel to meet with the government and their respective clients to finalize pending resolution proposals. Codefendants Pollard and Wadley have continued the status conference in this matter to August 27, 2020. The same date is stipulated as to Conway Phillips Jr.

The parties to this action, Plaintiff United States of America by and through Assistant United States Attorney Jason Hitt, Attorney Steve Plesser on behalf of Conway Phillips Jr., stipulate as follows:

1. By this stipulation, Defendant Phillips Jr. moves to continue the status conference set for June 18, 2020 to August 27, 2020. Defendant Phillips Jr. further request to exclude time between June 18, 2020 and August 17, 2020 under Local Code T-4. The United States does not oppose this request.

2. Due to the volume of discovery in the case, pending resolution proposals, ongoing investigation of sentencing mitigation factors, and the current limitations on in-person client meetings and restrictions to courthouse access addressing the COVID-19 pandemic, counsel for Mr. Phillips Jr. is requesting additional preparation time.

3. Counsel for Mr. Phillips Jr. represents and believes that failure to grant additional time as requested would deny him 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 June 18, 2020 up to August 27, 2020, 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 Defendant's request on the basis that the ends of justice served by taking such action outweigh the best interest of the public and the Defendant 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.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: June 17, 2020

/s/ Steven B. Plesser
STEVEN B. PLESSER
Attorney for Conway Phillips Jr.

Dated: June 17, 2020

/s/ Steven B. Plesser
For JASON HITT
Assistant U.S. Attorney
Attorney for the United States

FINDINGS and ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter for Defendant Conway Phillips Jr., scheduled for June 18, 2020, be continued to August 27, 2020, at 9:30 a.m.. The Court further finds, based on the representations of the parties, 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 June 18, 2020, up to and including August 27, 2020.

IT IS SO FOUND AND ORDERED this 17th day of June, 2020.

Troy L. Nunley
United States District Judge