LAW OFFICE OF TODD D. LERAS
Todd D. Leras, CA SBN 145666
455 Capitol Mall, Suite 802
Sacramento, California 95814
(916) 504-3933
toddleras@gmail.com
Attorney for Defendant
ELO WADLEY

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: May 17, 2018 Time: 9:30 a.m. Court: Hon. Troy L. Nunley

This matter is presently set for a status conference on February8, 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.

Attorney Steve Plesser recently replaced Attorney Greg Foster as appointed counsel for Defendant Conway Phillips, Jr. Based on the nature of the investigation and Mr. Plesser's recent substitution into the case, all defense counsel require additional time to conduct their own investigations regarding potential defenses in the case.

The parties to this action, Plaintiff United States of America by and through Assistant United States Attorney Jason Hitt, Attorney Olaf Hedberg on behalf of Defendant Curtis Phillips, Attorney Michael Long on behalf of Defendant Charles Ray Goodman, 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 February 8, 2018. The parties request to continue the status conference to May 17, 2018, at 9:30 a.m., and to exclude time between February 8, 2018 and May 17, 2018 under Local Code T-4. The United States does not oppose this request.
2. 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 February 8, 2018 to May 17, 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 all defense counsel have reviewed this proposed order and authorized Todd Leras to sign it on their behalf.

DATED: February 6, 2018

By Todd D. Leras for
JASON HITT
Assistant United States Attorney

DATED: February 6, 2018

By /s/ Todd D. Leras for
OLAF W. HEDBERG
Attorney for Defendant
CURTIS PHILLIPS

DATED: February 5, 2018

By /s/ Todd D. Leras for
MICHAEL D. LONG
Attorney for Defendant
CHARLES GOODMAN

DATED: February 6, 2018

By /s/ Todd D. Leras for
TONI L. WHITE
Attorney for Defendant
DEBORAH POLLARD

DATED: February 6, 2018

By /s/ Todd D. Leras
STEVE PLESSER
Attorney for Defendant
CONWAY PHILLIPS, JR.

DATED: February 5, 2018

By /s/ Todd D. Leras
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 February 8, 2018, is vacated. A new status conference is scheduled for May 17, 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 February 8, 2018, up to and including May 17, 2018.

DATED: February 6, 2018

Troy L. Nunley
United States District Judge