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ELO WADLEY

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, vs. 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: November 14, 2019 Time: 9:30 a.m. Court: Hon. Troy L. Nunley

This matter involves a charged conspiracy to distribute cocaine base involving a court-authorized wiretap of a pager and two cellular telephones. The government has provided voluminous discovery to defense counsel. The government has also provided defendants with proposed resolution offers. All defense counsel are requesting to meet with the government to provide defense investigation information in support of modified resolution proposals. In addition, all defense counsel are researching the potential sentencing impact of the First Step Act

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and conducting ongoing investigation of mitigation information.

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 Steven Plesser on behalf of Defendant Conway Phillips, Jr., and Attorney Todd Leras on behalf of Defendant Elo Willie Wadley, therefore stipulate as follows:

1. By this stipulation, Defendants now move to vacate the status conference set for October 17, 2019. The parties request to continue the status conference to November 14, 2019, at 9:30 a.m., and to exclude time between October 17, 2019 and November 14, 2019 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 research of the potential impact of the First Step Act on sentencing, all defense counsel are requesting additional preparation time. This research and investigation is necessary to ensure that potential defenses and sentencing mitigation are explored 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 October 17, 2019 to November 14, 2019, 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 via email to sign it on their behalf.

DATED: October 14, 2019

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

DATED: October 14, 2019

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

DATED: October 14, 2019

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

DATED: October 14, 2019

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 initial status conference in this matter, scheduled for October 17, 2019, is vacated. A new status conference is scheduled for November 14, 2019, 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 October 17, 2019, up to and including November 14, 2019.

DATED: October 15, 2019

Troy L. Nunley
United States District Judge