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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, vs. DEBORAH LYNN POLLARD, 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: June 18, 2020 Time: 9:30 a.m. Court: Hon. Troy L. Nunley

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

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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. Counsel for Ms. Pollard and Mr. Wadley are requesting to continue the status conference in this matter to August 27, 2020. Codefendant Conway Phillips, Jr., requests that his matter remain on calendar for a status conference on June 18, 2020.

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, and Attorney Todd Leras on behalf of Defendant Elo Willie Wadley, stipulate as follows:

1. By this stipulation, Defendants Pollard and Wadley now move to continue the status conference set for June 18, 2020 to August 27, 2020. Defendants Pollard and Wadley 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 Ms. Pollard and Mr. Wadley are requesting additional preparation time.
3. Counsel for Ms. Pollard and Mr. Wadley 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 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 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: June 16, 2020

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

DATED: June 16, 2020

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

DATED: June 16, 2020

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 for Defendants Deborah Pollard and Elo Wadley, scheduled for June 18, 2020, be continued to August 27, 2020. The status conference for Defendant Conway Phillips, Jr., shall remain set for June 18, 2020. The Court further finds, based on the representations of the parties and the request of Defendant Pollard and Defendant Wadley, 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.

DATED: June 16, 2020

Troy L. Nunley
United States District Judge