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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: June 18, 2020 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 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

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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. California Governor Gavin Newsom, on March 19, 2020, issued Executive Order N-33-20 requiring California residents not working in critical federal infrastructure positions to stay home and shelter in place.

These orders, and the public health crisis that they address, have impacted the ability of defense counsel to meet with the government and finalize pending resolution proposals. All defense counsel are requesting to continue the status conference in this matter to June 18, 2020. In addition, defense counsel continue to investigate potential sentencing mitigation information to be offered on behalf of their respective clients.

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, stipulate as follows:

1. By this stipulation, Defendants now move to vacate the status conference set for May 7, 2020. The parties request to continue the status conference to June 18, 2020, at 9:30 a.m., and to exclude time between May 7, 2020 and June 18, 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 shelter in place order and restrictions to courthouse access addressing the COVID-19 pandemic, all defense

counsel are requesting additional preparation time.

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 May 7, 2020 up to June 18, 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: May 4, 2020

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

DATED: May 4, 2020

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

DATED: May 4, 2020

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

DATED: May 4, 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 initial status conference in this matter, scheduled for May 7, 2020, is vacated. A new status conference is scheduled for June 18, 2020, 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 May 7, 2020, up to and including June 18, 2020.

DATED: May 5, 2020

Troy L. Nunley
United States District Judge