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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-00023-TLN **STIPULATION AND ORDER CONTINUING STATUS CONFERENCE AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT** Date: February 18, 2021 Time: 9:30 a.m. Court: Hon. Troy L. Nunley

This matter is presently set for a status conference as to Defendants Deborah Pollard, Conway Phillips, Jr., and Elo Wadley on February 18, 2021. This Court signed an order substituting Attorney Kelly Babineau as counsel for Conway Phillips, Jr. (ECF Entry 161, July 10, 2020) during the pandemic crisis which has shut down public access to federal courthouses for essentially the past year. The parties continue to work toward a negotiated resolution of the

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case. Efforts to complete defense investigation as to matters related to potential sentence mitigation have been hampered by state and federal restrictions designed to reduce the spread of the virus during this same period.

Conway Phillips, Jr., remains detained in pre-trial custody and is not joining in this stipulation. Defendants Deborah Pollard and Elo Wadley request to continue the status conference to May 13, 2021. The basis of the request is the additional time needed to conduct mitigation investigation.

The Chief Judge in this district, in response to the threat posed by the pandemic, issued General Orders 612, 617, 618, 620, 624, and 628. These orders collectively restricted public access to federal courthouses from March 18, 2020 to April 5, 2021. California Governor Newsom similarly issued pandemic suppression orders, including Executive Order N-33-20, which have restricted public access to various businesses throughout the state.

This case involves allegations of distribution of cocaine base stemming from an extensive investigation. The investigation included, among other investigative tools, the use of confidential sources, controlled purchases, and the use of a court-authorized wiretap.

The parties to this action, Plaintiff United States of America by and through Assistant United States Attorney Jason Hitt and 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 vacate the status conference presently set for February 18, 2021, at 9:30 a.m. The parties request to continue the status conference to May 13, 2021, at 9:30 a.m., and to exclude time

between February 18, 2021 and May 13, 2021 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 two discs containing additional voluminous recordings of intercepted telephone calls, defense counsel for Defendants Pollard and Wadley 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. Defense counsel for Defendants Pollard and 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 Defendants Pollard and Wadley 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 18, 2021 to May 13, 2021, 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. Attorneys Jason Hitt and Attorney Toni White have reviewed this proposed order and authorized Todd Leras to sign it on their behalf.

DATED: February 16, 2021

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

DATED: February 12, 2021

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

DATED: February 12, 2021

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 as to Defendants Deborah Pollard and Elo Wadley in this matter, scheduled for February 18, 2021, at 9:30 a.m., is vacated. A new status conference for Defendants Pollard and Wadley is scheduled for **May 13, 2021, 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 18, 2021, up to and including May 13, 2021.

DATED: February 16, 2021

Troy L. Nunley
United States District Judge