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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: January 24, 2019 Time: 9:30 a.m. Court: Hon. Troy L. Nunley

This matter is presently set for a status conference on November 29, 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. The parties are also engaged in negotiations related to potential resolution of the matter.

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 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 November 29, 2018. The parties request to continue the status conference to January 24, 2019, at 9:30 a.m., and to exclude time between November 29, 2018 and January 24, 2019, 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 November 29, 2018, up to and including January 24, 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: November 27, 2018

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

DATED: November 27, 2018

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

DATED: November 27, 2018

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

DATED: November 26, 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 November 29, 2018, is vacated. A new status conference is scheduled for January 24, 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 November 29, 2018, up to and including January 24, 2019.

DATED: November 27, 2018

Troy L. Nunley
United States District Judge