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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: January 20, 2022 Time: 9:30 a.m. Court: Hon. Troy L. Nunley

This matter is presently set for a status conference on January 20, 2022. The parties continue to work toward a negotiated resolution of the case. Efforts to complete defense investigation as to matters related to potential sentence mitigation have once again been impeded by a surge in the Omicron variant of the coronavirus.

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Defendants Deborah Pollard and Elo Wadley request to continue the status conference to April 7, 2022. The basis of the request is the additional time needed to conduct mitigation investigation and client meetings in anticipation of settlement.

The Chief Judge in this district, in response to the threat posed by the pandemic, issued General Orders 612, 617, 618, 620, 624, 628, 632, 635, and 640. These orders collectively restricted public access to federal courthouses from March 18, 2020 to June 14, 2021, and allowed each district court discretion to conduct hearings in person after the latter date. Some courtrooms within the district reopened to the public and in-person appearances in mid-2021. Sacramento County Public Health Officials, however, reimposed an indoor mask mandate based on a surge in the Delta variant of the coronavirus occurring in July 2021. In December 2021 and January 2022, a surge in the Omicron variant caused most courts in the district to suspend in-person appearances and return to videoconference appearances.

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 January 20, 2022. The parties request to continue the status conference to April 7, 2022, at 9:30 a.m., and to exclude time between January

20, 2022 and April 7, 2022, under Local Code T-4. The United States does not oppose this request.

2. Due to the volume of discovery in the case, including five hundred 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 and sentence mitigation in this matter. This investigation is necessary to ensure that potential defenses and sentencing mitigation 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 January 20, 2022 to April 7, 2022, 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 (via email) to sign it on their behalf.

DATED: January 14, 2022

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

DATED: January 14, 2022

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

DATED: January 14, 2022

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 January 20, 2022, is vacated. A new status conference for Defendants Pollard and Wadley is scheduled for April 7, 2022, 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 January 20, 2022, up to and including April 7, 2022.

DATED: January 19, 2022

Troy L. Nunley
United States District Judge