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8
9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,
14 v.
15 TERRANCE JOHN COX,
16 Defendant.

CASE NO. 1:22-CR-00214-NODJ-BAM
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER
DATE: March 27, 2024
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

17 This case is set for status conference on March 27, 2024. As set forth below, the parties now
18 move, by stipulation, to continue the status conference one final time to May 22, 2024, at 1:00 p.m. and
19 to exclude the time period between March 27, 2024 and May 22, 2024 under the Speedy Trial Act.

20 **STIPULATION**

21 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
22 through defendant's counsel of record, hereby stipulate as follows:

- 23 1. By previous order, this matter was set for status on March 27, 2024.
24 2. By this stipulation, defendant now moves to continue the status conference until May 22,
25 2024, and to exclude time between March 27, 2024, and May 22, 2024, under 18 U.S.C. §
26 3161(h)(7)(A), (B)(ii), B(iv) [Local Codes T2 and T4].
27 3. The parties agree and stipulate, and request that the Court find the following:
28 a) The government has represented that the discovery associated with this case is

1 extremely voluminous and includes large amounts of digital forensic evidence, several hundreds
2 of thousands of pages of financial records and reports, evidence obtained by search warrant, and
3 extensive other evidence. All of this discovery has been either produced directly to counsel
4 and/or made available for inspection and copying. The government has also copied digital
5 evidence onto a hard drive provided by the defense, and produced that material to the defense.
6 The government has transmitted a plea offer to defense.

7 b) Counsel for defendant desires additional time to consult with his client, to review
8 the current charges, to conduct further investigation and research related to the charges, to
9 continue to review voluminous discovery including any supplemental discovery, and to evaluate
10 potential pretrial motions. The defendant received and is considering the government's plea
11 offer. The parties are in active negotiations on a resolution. The defense has requested
12 additional information from the government and the government is in the process of responding.
13 Counsel for defendant requires additional time to complete its analysis of the discovery, the plea
14 offer, and any additional information from the government. The parties are requesting,
15 consistent with the Court's previous minute order, one final continuance of the status conference.
16 The parties anticipate that prior to the next status conference date they will request either a
17 change of plea hearing or a trial date. Thus, a continuance of the status conference is necessary
18 for continuity of counsel and to facilitate defense investigation and preparation.

19 c) Counsel for defendant believes that failure to grant the above-requested
20 continuance would deny him the reasonable time necessary for effective preparation, taking into
21 account the exercise of due diligence.

22 d) The government does not object to the continuance.

23 e) Based on the above-stated findings, the ends of justice served by continuing the
24 case as requested outweigh the interest of the public and the defendant in a trial within the
25 original date prescribed by the Speedy Trial Act.

26 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
27 et seq., within which trial must commence, the time period of March 27, 2024 to May 22, 2024,
28 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(ii), B(iv) [Local

1 Codes T2 and T4] because it results from a continuance granted by the Court at defendant's
2 request on the basis of the Court's finding that the ends of justice served by taking such action
3 outweigh the best interest of the public and the defendant in a speedy trial.

4 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
5 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
6 must commence.

7 IT IS SO STIPULATED.

8 Dated: March 19, 2024

9 PHILLIP A. TALBERT
United States Attorney

10 /s/ HENRY Z. CARBAJAL III
11 HENRY Z. CARBAJAL III
12 Assistant United States Attorney

13 Dated: March 20, 2024

14 /s/ MARK W. COLEMAN
15 MARK W. COLEMAN
16 Counsel for Defendant
Terrance John Cox

17 **ORDER**

18 IT IS SO ORDERED that the status conference is continued from March 27, 2024, to **May 22,**
19 **2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe.** Time is excluded
20 pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(ii), B(iv). The Court will not grant further continuances, absent
21 good cause, which will be narrowly construed, and will set a trial date at the next status conference if the
22 case is not resolved in advance of that status hearing.

23
24 IT IS SO ORDERED.

25 Dated: March 20, 2024

26 /s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE