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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL ANTHONY BUTLER, JR., Defendant.	CASE NO. 2:20-CR-182 JAM STIPULATION AND ORDER TO CONTINUE STATUS CONFERENCE AND EXCLUDE TIME UNDER SPEEDY TRIAL ACT DATE: December 1, 2020 TIME: 9:30 a.m. COURT: Hon. John A. Mendez

The United States of America, by and through Assistant U.S. Attorney Brian A. Fogerty, and defendant Michael Anthony Butler, Jr., by and through Assistant Federal Defender Lexi Negin, hereby agree and stipulate as follows:

1. On October 1, 2020, a grand jury returned a one-count indictment, charging Butler with sex trafficking of a child, in violation of 18 U.S.C. §§ 1591(a)(1), (b)(2). ECF No. 1.

2. On October 8, 2020, Butler appeared for an initial appearance before the Honorable Deborah Barnes, at which hearing the Court set the matter for a detention hearing to be held on October 14, 2020, and excluded the intervening time, pursuant to the Speedy Trial Act and Local Code T-4. ECF No. 8. On October 14, 2020, the court set this matter for a status conference before this Court to be held on December 1, 2020. ECF No. 9. The court excluded the time between October 14, 2020, and December 1, 2020, from the computation of time in which trial must commence under the Speedy Trial Act, pursuant to Local Code T-4.

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3. Since the initiation of the charges against the defendant, the government has produced discovery in this case, including several hundred pages of documents. The government has also disclosed several search warrants and offered to make available for inspection evidence seized during the investigation, including electronic devices.

4. Counsel for the defendant needs time to investigate the allegations underlying the charges in the indictment, examine the evidence, confer with her clients, and prepare for trial.

5. Based on the foregoing facts, the parties request that the Court vacate the December 1, 2020, status conference and reset the case for a status conference to be held on February 9, 2021, at 9:30 a.m. The parties further agree and request that the Court exclude the time between December 1, 2020, and February 9, 2021, from the computation of time in which trial must commence under the Speedy Trial Act, pursuant to Local Code T-4. The parties agree that the interests of justice served by excluding the time between December 1, 2020, and February 9, 2021, under the Speedy Trial Act, outweigh the best interests of the public and the defendant in a speedy trial. The parties request that the Court adopt the facts set forth herein and order time excluded from December 1, 2020, to and including February 9, 2021, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4, to allow defense counsel to investigate and prepare for trial.

Dated: November 25, 2020

McGREGOR W. SCOTT
United States Attorney

By: /s/ BRIAN A. FOGERTY
BRIAN A. FOGERTY
Assistant United States Attorney

Dated: November 25, 2020

/s/ LEXI NEGIN
LEXI NEGIN
Assistant Federal Defender
Counsel for Defendant
Michael Anthony Butler, Jr.

ORDER

The Court, having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court vacates the December 1, 2020, status conference and resets the matter for a status conference on February 9, 2021, at 9:30 a.m. The Court also specifically finds that based on the facts set forth in the parties' stipulation, the failure to exclude the time between December 1, 2020, and February 9, 2021, would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. Time from December 1, 2020, to and including February 9, 2021, is excluded from the computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4.

IT IS SO ORDERED.

DATED: November 25, 2020

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE