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DOUGLAS GREGORY EDWARDS

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, vs. DOUGLAS GREGORY EDWARDS, Defendant.	Case No. 2:20-CR-218-DAD **STIPULATION AND ORDER DECLINING TO ADOPT STIPULATION TO CONTINUE STATUS CONFERENCE** Date: February 28, 2023 Time: 9:30 A.M. Judge: Hon. Dale A. Drozd

IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorney Samuel Stefanki, counsel for Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Christina Sinha, counsel for Mr. Edwards, that the status conference (currently set for February 28, 2023) may be continued to **April 18, 2023, at 9:30 a.m.** The parties specifically stipulate as follows:

1. By prior stipulation, this matter was set for a status conference on February 28, 2023. ECF No. 65.

2. By stipulation, the parties now move to continue the status conference to April 18, 2023, at 9:30 a.m.

3. The government has produced three productions of discovery, totaling approximately 2,000 items of reports, audiovisual files, photographs, and other documents.

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4. The government is continuing to investigate the case and analyze evidence, and has relayed that it will shortly be producing 122 gigabytes of additional discovery, which will include cellular phone extractions, DNA evidence, and voluminous videos and photographs of the crime scene. Defense counsel expects that she will have the new discovery in hand within a week.

5. As part of its investigation, the defense has *inter alia* gathered mental health records; discussed this evidence with government counsel to explore potential resolutions to the case; and has continued her investigation, research, and trial preparation in this case. Defense counsel represents that she requires additional time to investigate and research possible defenses, research potential pretrial motions, consult with experts and her client, explore potential resolutions to the case, and otherwise prepare for trial. Defense counsel has been made aware of the forthcoming discovery and is discussing this with her client and is researching issues raised by the forthcoming evidence.

6. Defense counsel believes that failure to grant the requested continuance would deny her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The defense anticipates that, if this matter is continued to April 2023, she will have had time to review and discuss the new discovery and will know whether this case is resolving or being set for trial by the new status date.

7. The government joins in the defense's request for a continuance.

8. Therefore, the parties stipulate that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Edwards in a speedy trial, and request the Court so to find.

9. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (Speedy Trial Act), the parties request that the time period between February 28, 2023 and April 18, 2023 (inclusive) be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (Local Code T4), because it would result from a continuance

granted by the Court at the defense's request, based on a finding that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Edwards in a speedy trial.

Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: February 22, 2023

/s/ Christina Sinha
CHRISTINA SINHA
Assistant Federal Defender
Attorneys for Defendant
DOUGLAS GREGORY EDWARDS

Date: February 22, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ Samuel Stefanki
SAMUEL STEFANKI
Assistant United States Attorney
Attorneys for Plaintiff

ORDER

The Court has received and considered the parties' stipulation but declines to continue the status conference scheduled for February 28, 2023 at 9:30 a.m. In its last order adopting yet another stipulation of the parties to continue the status conference in this case the court stated:

> In adopting the parties stipulation on October 5, 2022 and continuing the status conference in this case to December 13, 2022, the court noted how long the case has been pending and cautioned counsel that "[n]o further continuances of the status conference in this action will be granted absent a compelling showing of good cause." (Doc. No. 59 at 4.) Nonetheless, the parties have presented yet another stipulation to continue the upcoming status conference. The court is reluctant to adopt that stipulation but will do so based solely on the prosecutor's representation above that "[t]he government will be producing these DNA laboratory tests, as well as forensic analyses of the defendant's iPhone, to the defense within a matter of days." [fn. 1 - The court does question why this discovery was not produced to the defense long ago in light of the date the [information] was returned.] Pursuant to the stipulation of the parties, the December 13, 2022 status conference will be vacated and reset for February 28, 2023 at 9:30 a.m. . . . . No further continuances of that new status conference will be granted.

(Doc. No. 65 at 3-4.)

Nonetheless, the parties most recent stipulation seeking another continuance of the status conference (the parties twelfth such stipulation dating back to January of 2021) relies upon the same circumstances as their last stipulation (ongoing government investigation and production of discovery in this case which commenced over 2 ½ years ago and defense preparation, investigation and research). These circumstances do not support the granting of yet another continuance of the status conference in this dated prosecution in the court's view. Accordingly, the February 28, 2023 status conference will remain on the court's 9:30 a.m. calendar as scheduled. Counsel are directed to be prepared to discuss at that time the setting dates for trial and a trial confirmation hearing that will provide counsel with reasonable time to prepare and also allows for discussions between the parties to take place with any appropriate and supported proposed exclusion of time under the Speedy Trial Act.

IT IS SO ORDERED.

Dated: **February 23, 2023**

Dale A. Drozd
UNITED STATES DISTRICT JUDGE