

1 ALEX G. TSE (CABN 152348)
Acting United States Attorney

2 BARBARA J. VALLIERE (DCBN 439353)
3 Chief, Criminal Division

4 JULIE D. GARCIA (CABN 288624)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-6758
8 FAX: (415) 436-7234
Julie.Garcia@usdoj.gov

Attorneys for United States of America

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)
13)
14 Plaintiff,)
15 v.)
16 RYAN MICHAEL SPENCER,)
17 Defendant)

CASE NO. CR 17-259 CRB-2
STIPULATION AND ~~PROPOSED~~ ORDER
TO EXCLUDE TIME

STIPULATION

The Court has continued the status conference in the above-captioned matter from March 23, 2018, to May 16, 2018, at 1:30 pm. The parties now stipulate and respectfully request that that the time between March 23, 2018, and May 16, 2018, be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B).

On March 20, 2018, the Honorable United States Magistrate Judge Jacqueline Scott Corley issued an order under the All Writs Act requiring the defendant to decrypt three electronic devices seized from his home last year. The defendant has until April 3, 2018, to comply with the order or to submit objections to this Court.

The defense respectfully submits that an exclusion of time is warranted here to permit defense counsel the reasonable time necessary to determine the appropriate course of action in response to Judge Corley’s order and, after the April 3, 2018, deadline has passed, to effectively prepare any subsequent appeal papers or to review and prepare the defense as to any materials on the encrypted devices.

The government further submits that an exclusion of time is warranted to allow the government sufficient time to process the electronic devices once the defendant decrypts them, or, alternatively, to prepare papers in response to any objections filed by the defendant.

IT IS SO STIPULATED.

DATED: March 22, 2018

ALEX G. TSE
Acting United States Attorney

/s/

JULIE D. GARCIA
Assistant United States Attorney

DATED: March 22, 2018

/s/

CHRISTOPHER PARKHURST
SHANNON DORVALL
Counsel for Defendant
RYAN SPENCER

~~PROPOSED~~ ORDER

For the reasons given in the parties’ stipulation, the Court finds that the exclusion of the period from March 23, 2018, to May 16, 2018, from the time limits applicable under 18 U.S.C. § 3161, is warranted; that the ends of justice served by the continuance outweigh the interests of the public and the defendant in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: March 26, 2018


HON. CHARLES R. BREYER
United States District Judge