

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-MJ-00924-GJF

MICHAEL DAVID FOX,

Defendant.

NOTICE OF INTENTION TO ENTER GUILTY PLEA

COMES NOW, Defendant, MICHAEL DAVID FOX, by and through attorney of record, Daniel Rubin, and hereby gives notice that he intends to enter a guilty plea in this case.

Defendant further acknowledges that the time period from the date of this notice to the date of the change of plea hearing should be excluded from speedy indictment time computation pursuant to 18 U.S.C. § 3161(h)(1)(D).¹

Respectfully submitted,
/s/ Daniel Rubin
DANIEL RUBIN
August 6, 2023
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¹ *United States v. Loughrin*, 710 F.3d 1111, 1120 (10th Cir. 2013) (holding that a defendant's request to change his plea clearly constitutes a pretrial motion which triggers exclusion of time under the Speedy Trial Act, thus, the days between a notice of a change of plea and the change-of-plea hearing are excludable under the STA"); *see also United States v. Hunter*, 9 F. App'x 857, 859-60 (10th Cir. May 24, 2001) (holding that the filing of a notice that the defendant wanted to change his plea "is treated as a pretrial motion requiring a hearing for purposes of the Speedy Trial Act," and that "the entire period between notifying the court that [the defendant] wanted to change his plea and the change-of-plea hearing itself was excluded for purposes of the Speedy Trial Act.")