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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No.: 3:20-cr-00501-SI-1

Plaintiff,

DECLARATION OF SCOTT MULLINS  
IN SUPPORT OF DEFENDANT'S  
UNOPPOSED MOTION TO CONTINUE  
TRIAL DATE

v.

TY JOHN FOX,

Defendant.

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I, Scott Mullins, hereby declare as follows:

1. I was appointed to represent defendant Ty John Fox pursuant to the Criminal Justice Act on September 21, 2021. I am Mr. Fox's second lawyer. Mr. Fox is charged with a single count of violating 18 USC 231(a)(3). He was arraigned on or about October 23, 2020. His current trial date is November 2, 2021.

2. On September 23, 2021, I spoke with AUSA Thomas Ratcliffe concerning Mr. Fox. Mr. Ratcliffe is unopposed to a 90-day continuance of this matter. After our call, Mr. Ratcliffe provided me with a copy of a letter outlining a potential resolution of Mr. Fox's federal case based on the Government's Petite Policy for successive prosecution.

3. I met with Mr. Fox on September 24, 2021, at MCDC -Portland, where he is being held on state charges. During our meeting, Mr. Fox authorized the Federal Public Defender to transfer his file to me. His file, and the discovery, should be forthcoming. I will need time to review and analyze the evidence and offense.

4. In my meeting with Mr. Fox, I advised him of his rights to a speedy trial pursuant to the Constitution and by statute and he agreed to waive his rights to a speedy trial for the duration of continuance allowed by the Court, should the motion to continue be granted.

5. On September 27, 2021, I conferred with Mr. Fox's state criminal defense lawyer, Nedu Nweze. Mr. Nweze advised that a new Deputy DA is handling the state matter but there is no agreement, yet, to resolve defendant's case.

I hereby declare under the penalty of perjury that the above statement is true to the best of my knowledge.

Dated: September 28, 2021.

Mullins Law Office, LLC

By:   
Scott L. Mullins, OSB #142504

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