

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

United States of America

vs.

(1) Robert Mikell Ussery

§  
§  
§  
§  
§

Case Number:  
SA:18-CR-00390(1)-OLG ESC

**ORDER SETTING IN-PERSON ARRAIGNMENT**

IT IS HEREBY ORDERED the above entitled and numbered case is set for **ARRAIGNMENT** at **04:00 PM** in **Courtroom A** on the **2nd Floor** of the **United States Federal Courthouse, 262 W. Nueva Street, San Antonio, TX** on **May 18, 2022**.

**IT IS FURTHER ORDERED** the Clerk of Court shall send a copy of this order to the defendant, counsel for defendant, the U.S. Attorney, U.S. Pretrial Services, U.S. Probation Office, and any surety or custodian, if applicable. Further, counsel for the defendant shall notify the defendant of this setting, and if defendant is on bond, advise defendant that he must be present, unless excused by the Court.

A defendant entering a plea of not guilty who wishes to waive personal appearance at the arraignment, is excused from appearing, as is the attorney, if the enclosed waiver is executed and signed by both the defendant and the attorney of record, and filed with the Clerk **prior to 9:00 A.M.** of the scheduled date of arraignment.

**ALL WAIVER FORMS MUST BE FILED IN THE CLERK'S OFFICE NO LATER THAN 9:00 A.M. OF THE SCHEDULED DATE OF ARRAIGNMENT. IF A WAIVER FORM IS NOT SUBMITTED OR THE COURTROOM DEPUTY NOT NOTIFIED OF THE DEFENDANT'S INTENT TO WAIVE THE ARRAIGNMENT BY 9:00 A.M. (WITH WAIVER FORM SUBMITTED BY CLOSE OF BUSINESS THE DAY OF THE SCHEDULED ARRAIGNMENT), THE PARTIES MUST APPEAR FOR THE ARRAIGNMENT AS SCHEDULED.**

IT IS SO ORDERED this **5th day of May, 2022**.

  
ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE

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vs.

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**WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT AND  
ENTRY OF PLEA OF NOT GUILTY  
WAIVER OF MINIMUM TIME TO TRIAL**

NOW COMES Defendant in the above-referenced case who, along with his undersigned attorney, hereby acknowledges the following:

1) Defendant has received a copy of the Indictment, Information or Complaint in this case. Defendant understands the nature and substance of the charges contained therein, the maximum penalties applicable thereto, and his Constitutional rights, after being advised of all the above by his attorney.

2) Defendant understands he has the right to appear personally with his attorney before a Judge for Arraignment in open Court on this accusation. Defendant further understands that, absent the present waiver, he will be so arraigned in open Court.

Defendant, having conferred with his attorney in this regard, hereby waives personal appearance with his attorney at the arraignment of this case and the reading of the Indictment or Information, and by this instrument, tenders his plea of "not guilty". The defendant understands that entry by the Court of said plea for defendant will conclude the arraignment in this case for all purposes.

**I UNDERSTAND, UNLESS OTHERWISE ORDERED BY THE COURT, I MUST FILE ANY PRETRIAL MOTION (CITING LEGAL AUTHORITY UPON WHICH I RELY AND A PROPOSED ORDER) WITHIN 10 DAYS AFTER ARRAIGNMENT, OR, IF I HAVE WAIVED ARRAIGNMENT, WITHIN 10 DAYS AFTER THE LATEST SCHEDULED ARRAIGNMENT DATE. SEE LOCAL RULES CR-12 AND CR-47.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Name of Attorney for Defendant

\_\_\_\_\_  
Signature of Attorney for Defendant

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

**ORDER**

**APPROVED BY THE Court. A plea of "Not Guilty" is entered for Defendant effective this date.**

Date: \_\_\_\_\_

\_\_\_\_\_  
District Judge/Magistrate Judge

**ALL WAIVER FORMS MUST BE FILED IN THE CLERK'S OFFICE NO LATER THAN 9:00 A.M. OF THE SCHEDULED DATE OF ARRAIGNMENT. IF A WAIVER FORM IS NOT SUBMITTED OR THE COURTROOM DEPUTY NOT NOTIFIED OF THE DEFENDANT'S INTENT TO WAIVE THE ARRAIGNMENT BY 9:00 A.M. (WITH WAIVER FORM SUBMITTED BY CLOSE OF BUSINESS THE DAY OF THE SCHEDULED ARRAIGNMENT), THE PARTIES MUST APPEAR FOR THE ARRAIGNMENT AS SCHEDULED.**

3) Defendant understands that he has a right to a minimum period of time to trial so that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se. Defendant further understands that, absent the present waiver, he will not be brought to trial during this thirty (30)-day period.

Defendant, having conferred with his attorney in this regard, hereby **WAIVES** the requirement that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

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**NOTICE OF RIGHT TO CONSENT  
TO DISPOSITION OF A MISDEMEANOR**

The U.S. Magistrate Judge may conduct proceedings in any and all Class A misdemeanor cases, including a jury or non-jury trial, if the defenant voluntarily consents thereto, and for Class B and C misdemeanors and infractions regardless of consent.

**PLEASE INDICATE ONE OF THE FOLLOWING WITH A CHECK MARK:**

\_\_\_\_\_ **I DO CONSENT TO MAGISTRATE JUDGE JURISDICTION.**  
\_\_\_\_\_ **I DO NOT CONSENT TO MAGISTRATE JUDGE JURISDICTION.**

**NO RESPONSE OR OMISSION OF THIS PAGE WILL BE INTERPRETED AS NOT CONSENTING TO  
MAGISTRATE JUDGE JURISDICTION AND CASE WILL BE ASSIGNED TO A U.S. DISTRICT JUDGE.**

\_\_\_\_\_  
Defendant

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant