

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA §
§
V. §CRIM. NO.: SA-18-CR-00390-OLG-ESC
§
ROBERT USSERY, §
§
§
§
Defendant §

**DEFENDANT’S MOTION FOR CONTINUANCE
OF IN-PERSON ARRAIGNMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW counsel for ROBERT USSERY, a Defendant in the above styled and numbered cause, and files this *Defendant’s Motion for Continuance of In-Person Arraignment* and for *Good Cause* and in support thereof would show this Honorable Court the following:

1. The matter of In-Person Arraignment was docketed / scheduled for Tuesday, May 18, 2022, at 4:00 P.M.¹ ;
2. Undersigned Counsel visited with the Defendant, ROBERT USSERY, yesterday, May 18, 2022. Counsel communicated to the government a *Justification* for a continuance of the scheduled Arraignment. The government does not object to the *Defendant’s Motion for Continuance of*

¹ See Docket Number 183

In-Person Arraignment. As well, Undersigned Counsel communicated the herein referred to unnamed *Justification* to the courtroom deputy of Her Honor, United States Magistrate Judge, Elizabeth Chestney.

3. Defendant seeks a Continuance of 30 days, as there exists a *Condition Precedent* – the unnamed *Justification*, which must be addressed and resolved before going forward and proceeding with an *In-Person Arraignment*.
4. Defendant USSERY is aware of the herein *Motion to Continue* and does not object.
5. Ussery, respectfully, requests that the matter of Arraignment be Continued for a period of at least 30 days; and
6. This motion is not sought for purposes of undue *Delay*, but so that *Justice* may be done.

WHEREFORE, PREMISES CONSIDERED, the undersigned Counsel respectfully prays that this *Defendant's Motion for Continuance of In-Person Arraignment* be Granted and that this matter be herein Continued to a date and time deemed appropriate by this Honorable Court.

Respectfully Submitted,

/s/ Thomas Joseph McHugh

THOMAS JOSEPH MCHUGH

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STATE BAR NO. 13675000

Attorney for Defendant ROBERT USSERY

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of May, 2022, I electronically filed the foregoing *Defendant's Motion for Continuance of In-Person Arraignment* with the Clerk of Court using the CM/ECF system which will send notification of such filing to Karina O'Daniel, Assistant United States Attorneys, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216, and a copy will be sent by Hand-Delivery to Defendant ROBERT USSERY.

/s/ Thomas Joseph McHugh
THOMAS JOSEPH MCHUGH

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ORDER

On this date this Court came on to be considered the *Defendant’s Motion for Continuance of In-Person Arraignment* and after considering same, is of the opinion and does so find that the Defendant’s Motion is well taken and should be in all respects GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the *Defendant’s In-Person Arraignment* be reset to the ____ day of _____, 2022.

SIGNED THIS _____ day of May 2022

ELIZABETH CHESTNEY
UNITED STATES MAGISTRATE JUDGE