

June 03, 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASUNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISIONBY: \_\_\_\_\_ **JU**  
DEPUTY

USA

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vs.

NO: SA:18-CR-00390(1,2)-OLG

(1) ROBERT MIKELL USSERY

(2) JODIE MARIE MANN

ORDER AMENDING SCHEDULING ORDER

The matters before the court is the status of this case. On August 2, 2021, the Court granted the Defendants Unopposed Motion for continuance and vacated the August 16, 2021 trial setting [dkt #167]. The Court set a motions hearing in this case in September of 2021, however, the hearing was cancelled at the request of counsel. On May 4, 2022 the Government filed a Second Superseding Indictment in this case and a Status Conference was held by this Court on June 2, 2022. *The Court having made certain findings on the record at the status conference* is of the opinion that the trial in this matter is ready to proceed to trial on July 18, 2022.

Therefore, the Court finds that the period between *Tuesday, August 17, 2021 and Monday, July 18, 2022*, is a reasonable period of necessary delay to allow counsel time for preparation for trial and further finds that such period shall be excluded from the time within which the defendant must be brought to trial and

that the ends of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial under the Speedy Trial Act pursuant to Title 18, United States Code, Section 3161(h)(1)(A) and (D) and (7)(A).

This case shall proceed on the following amended schedules:

Pursuant to Federal Rules of Criminal Procedure 11(c) and the holding of the Fifth Circuit Court of Appeals in United States of America v. Ellis, 547 F.2d 863 (5th Cir. 1977), the ***deadline*** for notifying the Court of any ***plea bargain*** or ***plea agreement*** entered into by the parties in this cause is *Thursday, July 07, 2022*.

The Court will not accept a plea agreement after the aforementioned deadline.

Should a plea agreement be reached and filed in this case and absent written objection filed contemporaneously therewith, this case will be referred to a United States Magistrate Judge for the purpose of administering the plea of guilty and the Fed. R. Crim. P. 11 allocution, subject to final approval and the imposition of sentence by the United States District Court.

### **PRETRIAL MATTERS**

Motions in Limine, witness lists, exhibit lists, and agreed stipulations as to certain elements or facts, if any, shall be filed Thursday, July 07, 2022. Responses to motions in limine, proposed jury instructions, and proposed voir dire shall be filed Monday, July 11, 2022.

In order to conduct a more efficient and expeditious trial, counsel is encouraged to exchange exhibits within a reasonable period but no later than seven (7) days prior to the pretrial conference. Once counsel has provided opposing counsel with proposed exhibits, authentication of the exhibit will be presumed unless opposing counsel notifies the offering party in writing within three (3) days after the exhibit is listed and made available. To the extent that counsel intend to raise objections concerning the admissibility of exhibits, such objections must be made at the pretrial conference or at least three (3) business days before trial by notifying the Court in writing of the evidentiary disputes with copies of the disputed exhibit and authority attached to the written objection. Counsel should also advise the Court of any anticipated objections to witness testimony at the pretrial conference or at least three (3) business days prior to trial.

Pretrial Conference is reset for Thursday, July 14, 2022 at 10:30 a.m. *in Courtroom C, on the Second Floor of the United States Courthouse, 262 W. Nueva Street, San Antonio, Texas.*

Jury selection and trial are reset for *Monday, July 18, 2022 at 9:30 a.m. in Courtroom C, on the Second Floor of the United States Courthouse, 262 W. Nueva Street, San Antonio, Texas.*

IT IS FURTHER ORDERED that the Clerk of the Court shall send a

copy of this order to counsel for the defendant, the United States Attorney, the United States Pretrial Services and the United States Probation Office. ***Counsel for the defendant shall also notify the defendant of this schedule*** and advise the defendant that he must be present for all court proceedings unless excused by the Court.

Signed this 3rd day of June, 2022

A handwritten signature in blue ink, appearing to read "Orlando L. Garcia", written over a horizontal line.

ORLANDO L. GARCIA  
CHIEF U.S. DISTRICT JUDGE