

August 04, 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

BY: \_\_\_\_\_ **JU**  
DEPUTY

UNITED STATES OF AMERICA )  
 )  
Plaintiff )  
 )  
v. )  
 )  
ROBERT MIKELL USSERY and )  
JODIE MARIE MANN )  
 )  
Defendants )

CRIMINAL ACTION NO.  
SA-18-CR-390-OLG

**ORDER**

With regard to the pending motions for severance, the Court ORDERS that movants file written advisories within 14 days from the date below which address the following:<sup>1</sup>

1. Identify the specific out of court statement of Mann that presents a *Bruton* problem for Ussery (include the content, date, and circumstances under which the statement was made).
2. Identify the specific out of court statement of Ussery that presents a *Bruton* problem for Mann (include the content, date, and circumstances under which the statement was made).
3. Explain why this statement, standing alone, is facially incriminatory or directly inculpatory of the co-defendant as opposed to having inculpatory value only when linked through other evidence. This explanation should be supported by case law

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<sup>1</sup>When identifying the statement that movants believe directly incriminates the co-defendant, pointing to an entire video or document is insufficient. If movants fail to identify specific statement(s), their motion(s) will be denied on that basis.

in which similar statements were analyzed under *Bruton*.

4. Is the specific out of court statement cumulative of other evidence in the case, or does the Government's case rest on the statement alone? If the evidence is cumulative of other evidence, explain why the out of court statement should not be redacted or excluded under Fed. R. Evid. 403 in a joint trial.
5. Provide the Court with any Fifth Circuit cases in which the appellate court determined the district court had abused its discretion in denying severance of an aiding and abetting charge.

SIGNED this 4th day of August, 2022.



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ORLANDO L. GARCIA  
CHIEF U.S. DISTRICT JUDGE