

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

UNITED STATES OF AMERICA §
 §
VS. § NO. SA:18-CR-00390(1)-OLG
 §
ROBERT MIKELL USSERY §

**MOTION FOR CONTINUANCE OF PLEA AGREEMENT DEADLINE
AND JURY SELECTION AND TRIAL SETTING**

TO THE HONORABLE ORLANDO L. GARCIA, CHIEF UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION:

NOW COMES the Defendant, ROBERT MIKELL USSERY, by and through his undersigned counsel, and respectfully moves this Honorable Court to continue the August 2, 2018 Plea Agreement Deadline and the August 13, 2018 Jury Selection and Trial Setting for at least ninety (90) days, and for good cause would show the following:

1. Robert Ussery is currently detained without bond pursuant to a Court Order dated May 29, 2018.
2. On August 1, 2018, undersigned counsel replaced Alfredo Villarreal as counsel of record for Mr. Ussery. Currently, the Plea Agreement deadline is August 2, 2018 and the Jury Selection and Trial are scheduled to commence on August 13, 2018.
3. Undersigned counsel needs time to obtain and review discovery, meet with client as often as necessary, conduct an investigation, interview potential witnesses, complete legal research, file pretrial motions if necessary, engage in plea negotiations, and otherwise prepare for

trial. In addition, undersigned counsel must tend to other ongoing cases and various personal matters. For these reasons, undersigned counsel requests a ninety (90) day continuance of the Plea Agreement Deadline and the Jury Selection and Trial Setting.

4. On August 2, 2018, undersigned counsel emailed Assistant U.S. Attorney Sarah Wannarka in an effort to consult with her regarding the Government's position on this requested continuance, but, as of the time of the filing of this motion, has not received a response from her.

5. This Motion is not made for purposes of delay. This Motion is made to allow undersigned counsel sufficient time to properly prepare this case for trial or other disposition and to complete other obligations referenced above.

WHEREFORE, Defendant Robert Mikell Ussery respectfully moves this Honorable Court to continue the Plea Agreement Deadline and the Jury Selection and Trial dates for ninety (90) days, and for such other and further relief as this Honorable Court deems just and proper.

Respectfully submitted,

MASSON & PERANTEAU, P.L.L.C.
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By: /s/ Patrick T. Peranteau
Patrick T. Peranteau
State Bar No. 15771300

**ATTORNEY FOR DEFENDANT,
ROBERT MIKELL USSERY**

CERTIFICATE OF CONSULTATION

On August 2, 2018, undersigned counsel emailed Assistant U.S. Attorney Sarah

Wannarka, in an effort to consult with her regarding the Government's position on this requested continuance, but, as of the time of the filing of this motion, has not received a response from her.

/s/ Patrick T. Peranteau

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of August, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send electronic notification of such filing to Sarah Wannarka, Assistant United States Attorney

/s/ Patrick T. Peranteau

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ORDER

On this date came on to be considered Defendant’s Motion for Continuance, and said Motion is hereby:

GRANTED DENIED

SIGNED on this the _____ day of _____, 2018

DAVID A. EZRA
UNITED STATES DISTRICT JUDGE