

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

USA

vs.

(1) ROBERT MIKELL USSERY
(2) JODIE MARIE MANN

§
§
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§
§

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

ORDER GRANTING CONTINUANCE
AND AMENDING SCHEDULING ORDER

The matters before the court are Defendants' Unopposed Motions for Continuance filed in this case [*dkt. #43 & #45*], after reviewing the motions, it is the opinion of the Court that the motions should be granted and that the trial in this case should be and is continued.

The Court further finds that the period between *Tuesday, August 14, 2018 and Tuesday, November 13, 2018*, 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)(7)(A).

This case shall proceed on the following amended schedules:

Pursuant to Federal Rules of Criminal Procedure 11(e)(5) 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, November 01, 2018*. 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 shall be filed on *Thursday, October 18, 2018*.

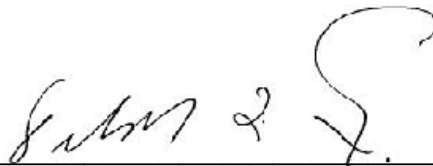
Responses to motions in limine shall be filed on *Thursday, November 01, 2018*.

Jury selection and trial are reset for *Tuesday, November 13, 2018 at 9:30 a.m. in Courtroom Number One, on the First Floor of the, John H. Wood, Jr. United States Courthouse, 655 East Cesar E. Chavez Blvd., 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 August, 2018

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

ORLANDO L. GARCIA
CHIEF U.S. DISTRICT JUDGE