

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 §

UNOPPOSED MOTION FOR CONTINUANCE

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 November 1, 2018 Plea Agreement Deadline and the November 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 November 1, 2018 and the Jury Selection and Trial are scheduled to commence on November 13, 2018.
3. Undersigned counsel has received the discovery materials which are voluminous and include numerous lengthy video and audio recordings. Undersigned counsel needs additional time to complete the review of the discovery, and to then present to and discuss the relevant

discovery materials with Mr. Ussery who is detained at the GEO facility. In addition, undersigned counsel needs time to complete his investigation, interview potential witnesses, complete legal research, file pretrial motions if necessary, engage in plea negotiations, and otherwise prepare for trial. For these reasons, undersigned counsel requests a ninety (90) day continuance of the Plea Agreement Deadline and the Jury Selection and Trial Settings.

4. Undersigned counsel has conferred with Assistant U.S. Attorney Sarah Wannarka regarding this motion and she stated she is not opposed to it.

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.

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,

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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

Undersigned counsel has consulted with Assistant U.S. Attorney Sarah Wannarka regarding this requested continuance and she has advised that she is not opposed to it.

/s/ Patrick T. Peranteau

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October, 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 October, 2018.

ORLANDO L. GARCIA
CHIEF UNITED STATES DISTRICT JUDGE