

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 January 31, 2019 Plea Agreement Deadline and the February 11, 2019 Jury Selection and Trial Setting for at least 120 days, and for good cause would show the following:

1. Robert Ussery is currently detained without bond in the Central Texas Detention Center (GEO) pursuant to a Court Order dated May 29, 2018.
2. The current the Plea Agreement deadline is January 31, 2019 and the Jury Selection and Trial are scheduled to commence on February 11, 2018.
3. On December 20, 2018, this Honorable Court granted undersigned counsel's Unopposed Motion for Competency Examination of Defendant (docket no. 62) and ordered Defendant be transferred to an appropriate facility to be examined. Presently, Defendant is detained in the GEO detention center awaiting transfer to the appropriate facility. For this reason,

undersigned counsel requests a 120 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 advised is not opposed to it and recommends a 120 day continuance.

5. This Motion is not made for purposes of delay. This Motion is made to allow time for Defendant to be transferred to the appropriate facility to be examined to determine his mental competency to proceed in this case.

WHEREFORE, undersigned counsel respectfully moves this Honorable Court to continue the Plea Agreement Deadline and the Jury Selection and Trial dates for 120 (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 January, 2019, 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 Unopposed Motion for Continuance,
and said Motion is hereby:

GRANTED DENIED

SIGNED on this the _____ day of January, 2019.

ORLANDO L. GARCIA
CHIEF UNITED STATES DISTRICT JUDGE