

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CASE NO. 5:14-cr-14-MHS-CMC
	§	
KENNETH RAY SHACKELFORD (01)	§	
ANTHONY PAUL VERA (02)	§	
SHAUN DENNIS KNORR (03)	§	
PATRICK RAY JAMES (04)	§	
WILLIAM ROBERT BARR (05)	§	
RODNEY GLEN CORNELIUS (06)	§	
WILLIAM RANDALL SCOTT (07)	§	

ORDER ON MOTION FOR CONTINUANCE

Came on to be considered this day Defendant **William Randall Scott**'s Unopposed Motion for Continuance (Doc. No. 51). The Court, having considered this motion, is of the opinion that said motion is meritorious and should be **GRANTED**.

The Pretrial Hearing in this matter was set for a criminal session of this Court in the Texarkana Division of the Eastern District of Texas, commencing on November 6, 2014.

Rule 18 of the Federal Rules of Criminal Procedure and the Speedy Trial Act establish that a speedy trial and the prompt administration of justice are desirable ends that weigh against a continuance. Nonetheless, speed is neither the paramount, nor the only consideration. Many other important values may conflict with the need for speed in the trial of a criminal case. Delay in trial that promotes the fairness of the trial, and the purposes served by the trial, is delay well worth the administrative costs it may impose. Prompt justice must be fair, or it is not truly justice. “[A] myopic insistence upon expeditiousness in the face of a justifiable request for delay can render a right to defend with counsel an empty formality.” *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964); *Kirkpatrick v. Blackburn*, 777 F.2d 272, 278 (5th Cir. 1985), *cert. denied*, 476 U.S.

1178 (1986).

The Speedy Trial Act excludes any delay resulting from the grant of a continuance from the computation of time between indictment and trial, if the judge finds that the ends of justice served by granting a continuance outweigh the interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A); see *United States v. Eakes*, 783 F.2d 499 (5th Cir.), cert. denied, 477 U.S. 906 (1986). For the reason stated by Defendant in the motion, the ends of justice require this Court to continue the above entitled criminal action to allow defense counsel reasonable time necessary for effective preparation. The ends of justice outweigh the best interest of the public and Defendant in a speedy trial served by taking this action. 18 U.S.C. § 3161(h)(7)(A).

The Speedy Trial Act also excludes from computation “[a] reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted.” 18 U.S.C. § 3161(h)(6). “In examining the necessity of the delay, proper consideration should be given to the purpose behind subsection (h)(7) [now subsection (h)(6)] - ‘accommodating the efficient use of prosecutorial and judicial resources in trying multiple defendants in a single trial.’” *United States v. Franklin*, 148 F.3d 451, 457 (5th Cir. 1998) (quoting *United States v. Theron*, 782 F.2d 1510, 1514 (10th Cir. 1986)). Here, the granting of a continuance will accommodate the efficient use of prosecutorial and judicial resources by not having to try the defendants in multiple trials, and will not result in unreasonable delay. See *Franklin*, 148 F.3d at 457 (holding that the reasonableness of delay under the subsection (h)(6) (formerly, subsection (h)(7)) exclusion is measured in reference to “the totality of the circumstances” and the “actual prejudice” suffered by a defendant as a result of the exclusion.”).

Therefore, in the interest of justice and pursuant to 18 U.S.C. § 3161(h)(7), and in the exercise of the Court's discretion, the Court **ORDERS** that Defendant **William Randall Scott's** Unopposed Motion for Continuance (Doc. No. 51) is hereby, **GRANTED**. It is further

ORDERED that this **ORDER** shall apply to all other defendants in this case who have not entered into a plea agreement with the Government. It is further

ORDERED that the new dates and deadlines are as follows:

Pretrial Motions Deadline: December 16, 2014, at 5:00 p.m.

Responses to Pretrial Motions Deadline: December 23, 2014, at 5:00 p.m.

Deadline to notify court of plea agreement: December 30, 2014, at 3:00 p.m.

Pretrial conference in Texarkana, Texas: January 8, 2015, at 9:00 a.m.

Jury selection and trial in Texarkana, Texas: Announced at the Pretrial conference

Unless clearly contradicted or amended by this Order, all previous pretrial orders entered in this matter shall remain in full force and effect, including, but not limited to, those relating to such obligations, rights and requirements as discovery, disclosure, inspection, production, copying and deadlines. In the event of conflict, this Order shall control.

It is SO ORDERED.

SIGNED this 16th day of October, 2014.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE