

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

vs.

REX SHELBY

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Cr. No. H-03-93 (Gilmore, J.)

ORDER

Pending before the Court is a motion filed by the Defendant for continuance of the February 2, 2009, trial setting. In accordance with 18 U.S.C. § 3161(h)(8)(A), the basis for the continuance is the finding that the ends of justice served in granting such continuance outweigh the best interest of the public and the Defendant in a speedy trial.

The Court finds that pursuant to 18 U.S.C. § 3161(h)(8)(B), a failure to grant continuance in this case would deny counsel for the Defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence and would thereby result in a miscarriage of justice for the Defendant given the pending petitions for writ of certiorari before the Supreme Court.

IT IS HEREBY ORDERED that the Defendant's motion for continuance is **GRANTED**. A period of excusable delay shall commence from Dec. 22, 2008, pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B), and end upon the date on which Defendant's case is rescheduled for trial.

SIGNED on this 22nd day of Dec., 2008, at Houston, Texas.



VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE