

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

UNITED STATES OF AMERICA

VS.

*Rex Shelby*

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CRIMINAL ACTION NO. H-03-93

ORDER

Pending before the Court is a motion filed by the Defendant for continuance of the 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 interests 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 writ of certiorari before the Supreme Court.*

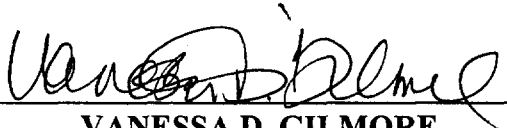
The Defendant recites that there has been inadequate time to sufficiently prepare for trial.

Denial of the reasonable time necessary for effective trial preparation is expressly enunciated in 18 U.S.C. § 3161(h)(8)(B)(iv) as a factor in determining that a continuance in the ends of justice would outweigh the public's interest in a speedy trial.

**IT IS HEREBY ORDERED** that the Defendant's motion for continuance is **GRANTED**.

A period of excludable delay shall commence from today, Sept 5, 2008, pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B), and end upon the start of trial. Trial of this case is hereby scheduled to commence on December 1, 2008 at 9:00 A.M.

**SIGNED** on this the 5th day of Sept., 2008, at Houston, Texas.

  
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**VANESSA D. GILMORE**  
**UNITED STATES DISTRICT JUDGE**