IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

UNITED STATES OF AMERICA v. **SWAREZ K. GARLINGTON, a/k/a "BAMA,"** Defendant.	Case No. 7:14-CR-47 (HL)

ORDER

Before the Court is the motion of the United States of America requesting that this case be continued from the Court's July 2015 trial term. (Doc. 113). Upon consideration of the Government's motion, the Court finds that the ends of justice would be served by the granting of the continuance.

Defendant is charged in a two-count superseding indictment. (Doc. 102). Count One charges Defendant with Conspiracy to Possess with Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 846 i/c/w §§ 841(a)(1); 841(b)(1)(A)(viii) and 841(b)(1)(C). Count Two charges Defendant with Distribution of Methamphetamine and Cocaine in violation of 21 U.S.C. §§ 841(a), 841(b)(1)(A)(viii); 841(b)(1)(B)(viii); 841(b)(1)(C), and 18 U.S.C. § 2. Following the original indictment in this case, Defendant made his initial appearance and was arraigned on January 27, 2015, at which time he entered a plea of "not guilty." (Doc. 60).

The Government now moves to continue this case from the Court's July 2015 trial term to the next regularly scheduled trial term to investigate additional evidence relating to Defendant received by the Government on June 10, 2015. The Government avers that this new evidence reveals additional members of a significant drug conspiracy and anticipates filing another superseding indictment to include additional defendants. The Government requests additional time to review the newly discovered evidence.

IT IS HEREBY ORDERED that the above-referenced matter be continued to the next regularly scheduled term of Court for the Valdosta Division of this district, and that any delay occasioned by the continuance be deemed excusable delay pursuant to 18 U.S.C. § 3161(h). The period of this delay shall be excluded in computing the time within which the trial must commence. 18 U.S.C. § 3161(h)(7)(A). Further, the time for filing motions in this case is also extended to not later than 14 days before the scheduled pretrial conference in this matter.

It is the Court's finding that the ends of justice served by the granting of this continuance outweigh the best interests of the public and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court finds that failure to grant such continuance could result in a miscarriage of justice, 18 U.S.C. § 3161(h)(7)(B)(i), and that failure to grant such continuance would deny counsel for Defendant and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

SO ORDERED this 15th day of June, 2015.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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