

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	No. 3:21-CR-31-CAR-CHW-1
HENDREX NICELY,	:	
	:	
Defendant.	:	
_____	:	

**ORDER ON CONSENT MOTION TO CONTINUE TRIAL**

Before the Court is Defendant Hendrex Nicely's Consent Motion to Continue [Doc. 45] the pretrial hearing in this case presently scheduled for March 8, 2023, and the trial, which is set to begin on April 3, 2023, in Athens, Georgia. On July 8, 2021, the Grand Jury returned an indictment charging Defendant with two counts of Distribution of Heroin. On November 18, 2021, Defendant was arrested, appointed counsel, pled not guilty at his arraignment, and released on an unsecured bond. This case has been previously continued multiple times, and the Government consents to Defendant's current request.

In the Motion, defense counsel states that the parties need additional time to continue to work toward a resolution will conclude both the captioned case and case number 3:22-cr-25, which is also pending against Defendant in this district. Having considered the matter, the Court finds it serves the ends of justice to grant the parties adequate time to address these matters. The ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. Failure

to grant a continuance would deny counsel reasonable time for effective preparation and could result in a miscarriage of justice. Thus, Defendant's Consent Motion to Continue Trial [Doc. 45] is **GRANTED**, and **IT IS HEREBY ORDERED** that this case be continued until June 12, 2023, the next term of Court for the Athens Division. The delay occasioned by this continuance shall be deemed excludable pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. § 3161.

**SO ORDERED**, this 6th day of March, 2023.

S/ C. Ashley Royal  
C. ASHLEY ROYAL, SENIOR JUDGE  
UNITED STATES DISTRICT COURT