

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

UNITED STATES OF AMERICA,

v.

EVA REBECCA WELLS and BILLY LEE
WELLS, JR.,

Defendants.

CRIMINAL ACTION NO.
5:23-cr-00008-TES-CHW

ORDER GRANTING JOINT MOTION TO CONTINUE TRIAL

Before the Court is the parties' Joint Motion to Continue Trial in the Interests of Justice [Doc. 31]. [Doc. 31, ¶ 5]. On February 14, 2023, the Grand Jury returned an Indictment [Doc. 1] against Defendants Eva Rebecca Wells and Billy Lee Wells, Jr. [Doc. 1, p. 8]. According to the parties' joint motion, Eva Rebecca Wells is charged with one count of Conspiracy to Defraud a Financial Institution and 20 substantive counts of Bank Fraud, and Billy Lee Wells, Jr., is charged with one count of Conspiracy to Defraud a Financial Institution, 15 substantive counts of Bank Fraud, and four counts of Making and Subscribing a False Return. [Doc. 31, ¶ 1].

Both Defendant Eva Rebecca Wells and Billy Lee Wells, Jr., made their initial appearances on February 23, 2023, and both have entered a plea of "Not Guilty." [*Id.*]; [Doc. 12]; [Doc. 17]; [Doc. 27]. [Doc. 23]. The Government has not yet provided discovery to counsel for Defendants; thus, there has been no time to review discovery.

[Doc. 31, ¶ 4]. Since Defendants will not have had an adequate opportunity to review discovery, conduct any required investigation, prepare for trial, or negotiate a potential resolution of the case prior to the currently set Trial Term, the Court **GRANTS** the parties' Joint Motion to Continue Trial in the Interests of Justice [Doc. 31] because proceeding with the trial as scheduled would likely result on a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B); [Doc. 31, ¶ 6]. The ends of justice served by granting this continuance outweigh the best interests of the public and Defendants in a speedy trial and are in accordance with the considerations required under 18 U.S.C. § 3161(h)(7)(A) for excusable delay. This case is **CONTINUED** until the Court's next regularly scheduled Trial Term—June 19, 2023.

SO ORDERED, this 13th day of March, 2023.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT