

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

UNITED STATES OF AMERICA,

v.

WILLIAM WILCOX BINNER, III,

Defendant.

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CASE NO: 7:23-CR-40-WLS-TQL-1

ORDER

Previously, the Court provided the Parties with notice that this case was scheduled for pretrial conference on Wednesday, June 14, 2023, at 3:00 p.m. and for trial on Monday, July 3, 2023¹ (Doc. 26). In the event the case is not ready for trial, the Parties were ordered to file a motion to continue at least two days prior to the date of the noticed pretrial conference. (*Id.*) Defendant, William Wilcox Binner, III, filed a timely Motion to Continue (Doc. 37) (“Motion”) stating Defense Counsel was appointed to represent Defendant on May 26, 2023, and as of June 8, 2023, Defense Counsel had not received discovery. Defendant requests a continuance of the trial to the next term of court in the Valdosta Division so that Defendant is given a reasonable amount of time to prepare for trial. Defendant states that failure to grant a continuance would deny Defense Counsel the reasonable time necessary for effective preparation and resolution of legal issues, taking into account the exercise of due diligence. Defendant further requests that the period of delay be excluded in computing the time within which the trial must commence.

Based on the Defendant’s stated reasons, the Court finds that a continuance is required for Defense Counsel to effectively prepare for trial. The Court further finds the ends of justice served by granting such a continuance outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A)-(B). Therefore, the Motion (Doc. 37) is **GRANTED**. The Court hereby **ORDERS** that the trial in the above-referenced matter be

¹ The Motion incorrectly references a trial date of June 26, 2023.

CONTINUED to the Valdosta Division November 2023² term and its conclusion, or as may otherwise be ordered by the Court.

Furthermore, it is **ORDERED** that the time lost under the Speedy Trial Act, 18 U.S.C. § 3161, be **EXCLUDED** pursuant to 18 U.S.C. § 3161(h)(7) because the Court has continued the trial in this case and finds that the failure to grant a continuance (a) would likely result in a miscarriage of justice, and (b) would deny Defense Counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A), (B)(i), (iv).

The June 14, 2023 pretrial conference is **CANCELLED**.

SO ORDERED, this 8th day of June 2023.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT

² The Court notes that the next term of court for the Valdosta Division is August 2023 with pretrial conferences scheduled for June 28, 2023. As Defense Counsel had not yet received discovery as of May 31, 2023, the Court finds it unlikely that the parties would be prepared for a pretrial conference in four weeks or for trial in August 2023. In the event Defendant desires that the trial be rescheduled for the August 2023 term of Court, he shall immediately file the appropriate motion with the Court.