

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

ROBERT ALLEN STANFORD

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Cr. No. H-09-342-01

ORDER OF EXCLUDABLE DELAY

This Court had previously set trial for January 24, 2011. On October 13, 2010, United States District Judge Nancy Atlas issued an opinion vacating a preliminary injunction that had required Certain Underwriters at Lloyd's of London to pay defense costs for Stanford and others. *See Holt v. Certain Underwriters at Lloyd's of London*, Civil No. 4:09-3712 (S.D. Texas), Document No. 352. As a result of that ruling and issues Stanford raised about his retained counsel (*see* Document No. 350 (sealed)), on October 27, 2010, this Court appointed new counsel for defendant Stanford pursuant to the Criminal Justice Act.

On December 23, 2010, Stanford's new defense counsel filed a motion for continuance seeking a two-year delay in the trial date based on their need to prepare for trial. *See* Document No. 383. The United States did not oppose continuing the January 24, 2010 trial date to provide new defense counsel some additional time for preparation, but objected to the requested two years as unreasonably long. *See* Document No. 387.

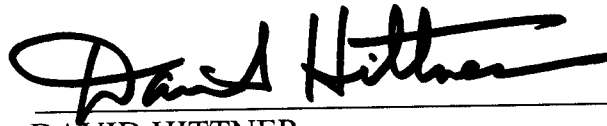
The Court set a hearing for January 6, 2011 on the continuance motion. During this same time, psychiatrists raised issues about Stanford's competence and the level of medication he is being prescribed. The Court thus also took testimony concerning the competency issue at the January 6, 2011 hearing in addition to discussing the defense request for a continuance. At the hearing, the Court asked defense counsel to confirm with Stanford that he desired the requested continuance. Stanford, through his lawyers, informed the Court on the record that he wanted the additional time for his counsel to prepare.

Based on the findings below, the Court GRANTS defendant Stanford's Motion to Continue to the extent it requests resetting the trial date from Jan 24, 2011. Because of the pendency of issues concerning Stanford's competence, as both parties requested, the Court will not decide the length of the continuance at this time. After there is additional information concerning the status of Stanford's mental health, the Court will set a new trial date.

Based on the defendant's Motion to Continue and the arguments of counsel at the hearing on that motion, the Court finds that the time period from January 24, 2011, through the date of the new trial setting for defendant Stanford is excludable under the Speedy Trial Act for the following reasons:

- (1) the Court has already found, at the request of Stanford, that this case is unusual and complex requiring significant time to prepare for trial (18 U.S.C. § 3161(h)(7)(B)(ii));
- (2) because of the need for recently appointed defense counsel to prepare in order to provide effective representation, the ends of justice are served by continuing this trial and outweigh the interests of the defendants and public in a speedier trial (18 U.S.C. § 3161(h)(7)(A)); and
- (3) the need to examine and/or hospitalize Stanford concerning the mental competency issues that have been raised in this case, including the delay resulting from transportation to the place of examination or hospitalization, are also excludable under the Speedy Trial Act (18 U.S.C. § 3161(h)(1)(A), (F))

Signed in Houston, Texas, on January 21, 2011.



DAVID HITTNER
UNITED STATES DISTRICT JUDGE