

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

06-CR-200-C-01

PETER SCOTT CARD, JR.,

Defendant.

On January 19, 2007, this court arraigned defendant Peter Scott Card, Jr. Due to Card's political and philosophical beliefs, he declined to acknowledge that he was the defendant or to submit himself to the court's jurisdiction until I explained to him that a likely consequence of this approach would be pretrial detention. Under this threat, Card agreed to be arraigned and to sign the pretrial release order.

Card has chosen to represent himself without assistance of an attorney. After discussing the matter with Card on the record and advising him not to proceed without an attorney, I granted his request.

At the hearing Card posed questions prompted by a set of political and philosophical views that do not mesh with the procedures followed in federal criminal prosecutions. In response, I advised Card that, like it or not, he was required to interact with the court on the court's terms, not his. I advised Card that if he had specific questions about specific

procedures, then the appropriate manner to raise his concerns was by filing with the court a written motion or letter with a copy sent to AUSA Grant Johnson.

At the hearing the government provided Card with a CD containing its evidence in this case. At the co-defendant's arraignment, the government proffered that it intends to use all disclosed evidence in its case-in-chief at trial; Card should assume the same.

Next, I confirmed with Card the schedule for future proceedings in this case:

1) Card must file and serve any pretrial motions and discovery requests not later than February 16, 2007 by noon. Briefs need not accompany the motions. If Card wants an evidentiary hearing on a motion, then he must ask for it in the caption of each such motion and must provide a nonconjectural factual basis establishing a prima facie entitlement to the relief requested. *See United States v. Toro*, 359 F.3d 879, 885 (7th Cir. 2004).

2) The pretrial motion hearing and any evidentiary hearing shall be February 21, 2007 at 11:00 a.m. The court will rule on each motion or set it for briefing in consultation with the parties. Unless the court is taking evidence on a motion filed by Card, Card may waive his presence at the preliminary pretrial conference to save a trip to Madison from Rhode Island. If Card chooses not to attend the pretrial motion hearing in person, he must participate telephonically, and it is his responsibility to advise the court that this is his choice and to provide a telephone number at which the court may reach him for the pretrial motion hearing.

3) Submissions for the final pretrial conference, namely proposed voir dire questions, jury instructions and motions *in limine* must be filed and served not later than March 21, 2007.

4) The final pretrial conference shall be March 23, 2007 at 10:00 a.m. Card is entitled to attend this hearing, but may waive his presence and appear telephonically.

5) The final hearing before the trial judge shall be April 12, 2007 at 3:00 p.m. Card must attend this hearing in person.

6) Jury selection and trial shall begin April 16, 2007 at 9:00 a.m. Card must attend the trial in person. The predicted trial length is two to three days.

Entered this 19th day of January, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge