

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

GALE A. RACHUY,

Defendant.

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AMENDED  
SCHEDULING ORDER

10-cr-141-wmc

At the conclusion of the October 28, 2010 pretrial motion hearing and arraignment on the superseding indictment, defendant Gale Rachuy, by counsel, moved for to continue the trial date.<sup>1</sup> The government does not oppose the motion. The court granted the motion.

Rachuy's lawyer explained that after this court released Rachuy on conditions, a state court in Ramsey County, Minnesota raised Rachuy's cash bond in a criminal case before that court, forcing Rachuy into pretrial detention in Minnesota. Trial in Ramsey County is set for early December, 2010, and Rachuy will be detained in the Ramsey County Jail pending that trial. This makes it extremely difficult for Rachuy and his federal defender to communicate and prepare for trial in the instant prosecution. Entering a detention order simply to keep Rachuy in Dane County would contravene the Bail Reform Act and would cause the state public defender in Ramsey County to lose access to Rachuy, thus frustrating Minnesota's prosecution.

As a result, Rachuy's lawyer in this case asked that this court postpone trial until Ramsey County completes its prosecution trial and any sentencing, so that Rachuy can be writted into this court for further proceedings. The government did not oppose this request

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<sup>1</sup> Rachuy filed no pretrial motions and his attorney adequately explained why not.

and is not asserting any need for a speedier trial on behalf of the public. Accordingly, I granted the request. All remaining dates in the calendar are stricken in favor of these new dates:

Submissions for the final pretrial conference are due February 25, 2011.

The final pretrial conference shall be March 1, 2011 at 1:00 p.m.

The final hearing before Judge Conley shall be March 8, 2010 at 3:00 p.m.

Jury selection and trial shall begin March 15, 2011 at 9:00 a.m. The parties are predicting a three-day trial.

The ends of justice require that all time between October 28, 2010 and March 15, 2010 is excluded from computation on the speedy trial clock pursuant to 18 U.S.C. §3161(h)(7), because the public's interest in a speedier trial is outweighed by Rachuy and his attorney's legitimate need for more time properly to prepare for trial in this case as explained in the previous paragraph.

The parties had no other substantive matters to bring to the court's attention.

Entered this 29<sup>th</sup> day of October, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge