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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROSE SVOBODA,

Defendant.

SCHEDULING ORDER

11-cr-100-bbc

At the September 27, 2011 arraignment, this court set the following schedule:

1) In response to the defendant's Rule 16 demand, the government has already provided its disclosures and has a continuing disclosure obligation throughout this case. The government and its agents are ordered to preserve rough notes and similar data compilations for possible disclosure later in this case. Pursuant to Rule 12, the government reports that it intends to use all disclosed evidence in its case-in-chief at trial.

2) Defendant must file and serve any pretrial motions and discovery requests not later than December 12, 2011. Pursuant to 18 U.S.C. § 3161(h)(7), time from the arraignment until the deadline to file pretrial motions is excluded from the speedy trial clock regardless whether motions are filed. The ends of justice and the Sixth Amendment require that defendant and defense counsel receive adequate time to review the government's disclosures, investigate this case, then make tactical decisions whether to file motions and which motions to file. Briefs need not accompany motions. To obtain an evidentiary hearing on a motion, defendant must ask for it in the caption of each such motion and must submit admissible facts establishing a prima facie entitlement to the relief requested. *See United States v. Toro*, 359 F.3d 879, 885 (7th Cir. 2004).

3) The pretrial motion hearing and any evidentiary hearing shall be December 15, 2011 at 9:15. 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 dispositive motion, defendant may waive her presence at the preliminary pretrial conference.

4) Deadlines to disclose expert witnesses: Government: January 30, 2012

Defendant: February 13, 2012

5) 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 February 15, 2012.

6) The final pretrial conference shall be February 17, 2012 at 9:00 a.m. Defendant may waive her presence at the final pretrial conference.

7) The final hearing before the trial judge shall be February 23, 2012 at 3:00 p.m. Defendant and trial counsel must attend this hearing.

8) Jury selection and trial shall begin February 27, 2012 at 9:00 a.m. The predicted trial length is one to two days. The parties are jointly responsible for alerting the clerk of court forthwith if a jury need not be called.

Entered this 28th day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge