

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

UDARA ASELA WANIGASINGHE,

Defendant.

PRETRIAL MOTION
HEARING ORDER

95-CR-073-C

On June 1, 2007, this court held the pretrial motion hearing and an evidentiary hearing. Defendant Udara Asela Wanigasinghe was present with his attorney, Reed Cornia. The government was represented by Assistant United States Attorney Timothy O'Shea.

After taking a discovery proffer from the government and discussing the motions with both sides, I granted the motions docketed as 10 and 12, and denied 13.

We then took evidence on Wanigasinghe's motion to dismiss for undue delay (dkt. 9). The evidentiary hearing most charitably could be described as non-routine. The government presented a packet of documents and proffered additional facts that sounded more like oral argument. Wanigasinghe then took the stand to testify; however after Attorney Cornia objected to the scope of cross-examination (which the court found proper), I allowed Wanigasinghe to leave the stand, then struck his testimony on direct, as well as what little testimony he had offered during the aborted cross. As a result, there is no witness testimony; the parties' evidence supporting and opposing the motion to dismiss consists of

their documentary submissions. Wanigasinghe's supplemental brief in support of his motion must be filed and served by June 8, 2007, with the government response due June 15, 2007 and any reply due June 22, 2007. The court will grant short extensions to the parties upon request.

I will provide draft voir dire questions and jury instructions to the parties closer to their submission deadline for the final pretrial conference. The parties had no other matters to bring to the court's attention.

Entered this 1st day of June, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge