

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

UNITED STATES OF AMERICA,

Plaintiff,

PRELIMINARY PRETRIAL
CONFERENCE ORDER

v.

04-CR-022-S

KENT G. BERHEIDE and
LISA M. BERHEIDE,

Defendants.

On April 23, 2004, this court held the preliminary pretrial conference. Defendant Kent Berheide waived his presence, but was represented by Attorney James Murray. Defendant Lisa Berheide waived her presence, but was represented by her attorney Christopher Duren. The government was represented by Assistant United States Attorney Robert Anderson.

The first issue was Kent Berheide's motion to postpone the trial date. Berheide's state probation in Ohio has been revoked and he is in an Ohio prison for the next month or so. Despite Attorney Murray's valiant efforts, Ohio authorities have yet to deliver the 1,200 pages of discovery to Berheide to review. This, plus other institutional inefficiencies have prevented Murray or Kent Berheide from adequately and promptly preparing for trial. Accordingly, Kent Berheide requested postponement of the trial until June. Neither Lisa Berheide nor the government objected to this request. Accordingly, the calendar has been

amended as follows: Submissions for the final pretrial conference must be filed and served not later than June 15, 2004. The final pretrial conference shall be June 18, 2004 at 10:00 a.m. The final hearing before Judge Shabaz shall be June 25, 2004 at 3:30 p.m. Jury selection and trial shall begin June 28, 2004. The parties still are predicting a five-day trial.

After revising the schedule, the court addressed the pretrial motions. Lisa Berheide filed no motions. Attorney Duren stated this was a tactical decision he made in consultation with his client after adequate review of the government's disclosures and after adequate investigation of this case. Kent Berheide filed four motions. I set numbers 11 and 12 for briefing. Berheide's briefs in support must be filed and served by April 30, 2004. The government must file and serve its response not later than May 7, 2004. Any reply must be filed and served by May 14, 2004. For reasons stated on the record, I granted in part and denied in part the motion to revise the scheduling order (dkt. 13) and denied motion 14 as moot.

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

Entered this 26th day of April, 2004.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge