

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

06-CR-221-C

JAMES V. FRAZIER,

Defendant.

On June 11, 2007, this court received a handwritten letter from defendant James Frazier asking to push back his August 6, 2007 trial date so that he could get on track with his search for an attorney and his attempt to file a suppression motion. I will not move the trial date based on a request made by Frazier alone.

Frazier was arraigned six months ago, on December 13, 2007. The court set a trial date of March 19, 2007. Frazier's first appointed attorney requested leave to withdraw, which I granted. On February 7, 2007, I extended the schedule at the request of Frazier's second appointed attorney, moving the trial date to May 9, 2007. In April Frazier's second attorney moved to withdraw, and after holding an ex parte hearing, I granted the request and warned Frazier that he was getting one more appointed attorney, but that was it. Frazier's third appointed attorney requested more time; on May 2, 2007, I pushed the trial date back to August 6, 2007, with a motions deadline of June 1, 2007. Within a month, Frazier's third attorney also moved to withdraw; at a May 30, 2007 ex parte hearing, Frazier told me that he didn't want this attorney any more, even if this meant proceeding pro se. So, I let that attorney go, advising

Frazier that the court would not appoint any more attorneys, but would re-appoint attorney number 3 at Frazier's request. At the June 6, 2007 pretrial motion hearing, Frazier reported that he was attempting to retain an attorney. I responded that this was encouraging news, but that Frazier had better hurry because the court did not intend to move his trial date to a fourth date.

Now Frazier has asked for exactly that. He will not get it. Trial still is almost eight weeks away, sufficient time for a retained attorney to prepare for trial, or for Frazier's third appointed attorney to resume representation. Three highly qualified attorneys have worked with Frazier, examined his suppression issue, and provided him with legal opinions that he will not accept. Eight months will have passed between last December's arraignment and this August's trial. There is no point in giving Frazier more time to make a futile attempt to hire an attorney who will agree with him. As I already have told Frazier, he must promptly hire an attorney willing to resolve this case within the existing schedule, must promptly advise the court that he is willing to accept Attorney Ruth's representation again, or he must plan on trying this case *pro se*. If he decides to accept the representation of Attorney Ruth, he must notify the court of his intention to do so no later than July 6, 2007.

It is ORDERED that defendant James Frazier's request to move the trial date again is DENIED.

Entered this 12th day of June, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge