

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

VICTORIA BIKS and
MARJORIE VENTURELLA,

06-CR-168-S

Defendants.

On January 31, 2007, this court held a telephonic hearing on the defendants' joint unopposed motion to adjourn the trial date (dkt. 18). I called the hearing to obtain additional information from defense counsel as to why an adjournment was necessary. As all the defense attorneys for both defendants explained in more detail, the bottom line is that due to the amount of evidence in this case, even with best, most diligent efforts to prepare, they cannot be ready for trial in June. There are too many documents and too much information to process, even working after hours and on weekends, as counsel now are doing. All the attorneys averred to the court that for Sixth Amendment purposes, they need more time to present adequate defenses of their clients.

Accordingly, the current schedule is struck in favor of these dates:

Defendants must file and serve all pretrial motions not later than July 16, 2007 at noon. The pretrial motion hearing and any evidentiary hearing shall be July 20, 2007 at 9:00 a.m.

The final pretrial conference will be August 17, 2007 at 9:00 a.m. Submissions from the parties must be filed and served not later than August 13, 2007.

The final hearing with the trial judge shall be Wednesday, August 22, 2007 at 3:00 p.m.

Jury selection and trial shall begin August 27, 2007 at 9:00 a.m.

Pursuant to 18 U.S.C. §3161(h)(8)(A), time continues to be excluded from computation under the speedy trial clock until August 27, 2007 because the ends of justice served by granting this continuance outweigh the best interest of the public and the defendants in a speedier trial. The failure to grant the requested continuance may result in a miscarriage of justice because this case is so complex due to the nature of the prosecution that it is unreasonable to expect adequate preparation for the trial itself within the time allotted by the earlier schedule. Failure to grant a continuance would deny both defendants and their attorneys reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Entered this 1st day of February, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge