

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAMIAN D. WAGNER,

Defendant.

ORDER

06-CR-182-S

On March 22, 2007, this court held a telephonic status conference. Defendant Damian Wagner did not participate personally, but was represented by his attorney, Michael Lieberman. The government was represented by Assistant United States Attorney Robert Anderson.

The hearing was convened to discuss what needs to happen next as a result of the March 6, 2007 forensic report (dkt. 16, under seal) in which Dr. Jason V. Dana opined that Wagner is legally competent. Attorney Lieberman reported that he has read this report and discussed it with Wagner, and that they have no objection to the court finding Wagner competent without holding a hearing. The government concurred in this course of action. Accordingly, based on the uncontested information in the forensic report, I found that defendant Damian Wagner is legally competent in that he is able to understand the nature and consequences of these proceedings against him and he is able to assist properly in his defense.

Attorney Lieberman reported that this case likely will resolve itself with a prompt change of plea. Accordingly, I set a telephonic status conference for April 11, 2007 at 10:00 a.m. for the parties to report on their progress in that regard.

Entered this 22nd day of March, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge