

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRELL KASNER,

Defendant.

ORDER

06-CR-198-S

As the court mulls the parties' arguments regarding defendant's motions to dismiss the indictment, it has become clear that, in the event the court denies the motions, the jury instructions in this case have the potential to be pivotal. Absent clear guidance from the pattern instructions and the case law, I am reversing the usual sequence in this case and requiring the parties to submit their proposed jury instructions on elements and term definition before the court provides its initial input. I am particularly interested in any legal support the parties can muster for their positions on the critical substantive instructions.

So that I have time to review and research the parties' submissions, I am moving forward their submission deadline 1½ days, to noon on March 6, 2007, with same-hour service. Since the parties' motions *in limine* might capture the same disputes, this new deadline includes these motions, and any proposed voir dire questions as well. The court will provide its responsive draft jury instructions by March 8, 2007 so that the parties may review them prior to the March 9 final pretrial conference.

The parties should not attempt to divine from this order the court's position on the pending motions to dismiss. I merely am changing the schedule now in an abundance of caution.

Entered this 28th day of February, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge