

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

HEATHER BARRY,  
*a/k/a* HEATHER M. STONE

Defendant.

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ORDER

06-CR-204-C

On August 7, 2007, this court held a telephonic status conference. Defendant Heather Barry did not participate personally, but was represented by her attorney, Erika Bierma. The government was represented by Assistant United States Attorney Assistant United States Attorney Meredith Duchemin.

The parties have been stymied in their attempts to negotiate a binding change of plea in this case by bureaucratic wrangling over Barry's psychotropic drug regimen. Although the FMC recommended a certain drug for Barry, Barry is a state prisoner and the county, in its wisdom, has substituted a different drug that appears to reduce Barry's lucidity to the point that Bierma is unable to close the deal on a negotiated guilty plea. In response to the court's inquiry, both sides indicated that court intervention would not be helpful at this point. Instead, the parties are trying to "time" Barry's response to the medication so as to catch her during a cogent phase for court proceedings. Ms. Bierma will be predicting the next lucid phase and reporting back to the court and the U.S. Attorney. We will set an in-person hearing at the courthouse, hopefully for a change of plea before the district judge, if not, then

for another status conference. Time continues to be excluded from the computation on the speedy trial clock due to Barry's tenuous hold on competency. The parties had no other matters to bring to the court's attention.

Entered this 7<sup>th</sup> day of August, 2007.

BY THE COURT:  
/s/  
STEPHEN L. CROCKER  
Magistrate Judge