

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 6, 2007, this court held a hearing that initially was scheduled to consider pretrial motions filed on behalf of defendant James Frazier by his third CJA Panel attorney, Robert Ruth. Last week, however, I allowed Ruth to withdraw at Frazier's insistence. As I had warned Frazier, this left him without an attorney. So, on June 6, Frazier appeared pro se. The government was represented by Assistant United States Attorney David Reinhard.

Not surprisingly, Frazier filed no pretrial motions. Frazier reported his belief that he will be able to retain private counsel within two to three weeks. Frazier asked if new counsel would have the opportunity to file more pretrial motions. I advised Frazier that the August 6, 2007 trial date will not move, even if he retains new counsel, and there will be no new motions date set. Even so, I told Frazier that I would not forbid any new attorney from seeking leave to file motions, but in light of the firm trial date, the court might deny leave if consideration of the motions would lead to yet another postponement. Therefore, the sooner Frazier gets an attorney on board, the better. I reminded Frazier that Attorney Ruth remains willing to resume his representation of Frazier on this case if Frazier will let him.

In the event that Frazier is unable to retain counsel and refuses to allow Attorney Ruth back on his case, then Frazier will remain pro se for the rest of this case, including at any trial. As I have repeatedly advised Frazier, this would not be a good thing. It is in Frazier's best interests quickly to hire private counsel or to accept the services of Attorney Ruth. What happens next is in Frazier's hands.

Entered this 6th day of June, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge