

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD E. DAVIS,

Defendant.

PRETRIAL MOTION
HEARING ORDER

07-CR-015-S

On June 28, 2007, this court held the pretrial motion hearing. Defendant Richard E. Davis was present with his attorney, David Mandell. The government was represented by Assistant United States Attorney Rita Rumbelow.

Perhaps the court should have expected the hearing to start off unexpectedly: Attorney Mandell announced that Davis had reported to Mandell that Davis's family intended to hire a private attorney to assume representation in this case and that Mandell's services no longer were needed. As far as Davis was concerned, there was no need to consider the motions filed by Mandell; instead, we would wait to do anything further until retained counsel appeared on Davis's behalf. I advised Davis that this was unacceptable to the court. If he did not want Mandell to represent him, then he could proceed *pro se* for all further firmly-calendared proceedings in this case, including the August 15, 2007 trial. If, along the way, Davis managed to hire an attorney, so much the better, but the dates would not move. On the other hand, if Davis was willing to keep Mandell as his attorney pending

the possible appearance of a retained attorney willing to abide by the existing schedule, then we would proceed with the pretrial motion hearing. Following an adjournment, Attorney Mandell announced that Davis was willing to keep him on board, so long as he had the option of bringing in a hired lawyer. I stated that we would never close the door on such a request, but that the calendar is not being changed again.

We then held the pretrial motion hearing. After taking a discovery proffer from the government and discussing the motions with both sides, I granted the motions docketed as 37 and 42, denied 35, 36 and 40-43, and allowed briefing on 32, 34, 38 and 39. Davis's first brief in support of all pending motions must be filed and served not later than July 9, 2007, with a government response by July 18, 2007 and any reply by July 25, 2007. Same day service is required.

This court previously prepared draft voir dire questions and jury instructions and sent them out to the government and one of Davis's earlier attorneys. If Attorney Mandell does not have access to these documents, he should contact chambers and we will provide him with another copy.

The parties had no other matters to bring to the court's attention.

Entered this 28th day of June, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge