

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

UNITED STATES OF AMERICA,

Plaintiff,

SCHEDULING ORDER

v.

07-CR-058-S

CARLTON EMBRY,

Defendant.

At the April 26, 2007 arraignment, this court set the following schedule:

1) The government has already provided its required disclosures and has a continuing disclosure obligation throughout this case. Pursuant to Rule 12, the government has proffered that it intends to use all disclosed evidence in its case-in-chief at trial.

2) Defendant must file and serve any pretrial motions and discovery requests not later than June 15, 2007 by noon. Briefs need not accompany the motions. If defendant wants an evidentiary hearing on a motion, then he must ask for it in the caption of each such motion and must provide a nonconjectural factual basis establishing a prima facie entitlement to the relief requested. *See United States v. Toro*, 359 F.3d 879, 885 (7th Cir. 2004).

3) The pretrial motion hearing and any evidentiary hearing shall be June 20, 2007 at 10:00 a.m. The court will rule on each motion or set it for briefing in consultation with the parties. Unless the court is taking evidence on a dispositive motion, defendant may waive his presence at the preliminary pretrial conference.

4) Submissions for the final pretrial conference, namely proposed voir dire questions, jury instructions and motions *in limine* must be filed and served not later than June 27, 2007.

5) The final pretrial conference shall be June 29, 2007 at 11:00 a.m. Defendant may waive his presence at the final pretrial conference.

6) The final hearing before the trial judge shall be July 11, 2007 at 3:00 p.m. The defendant and trial counsel must attend this hearing.

7) Jury selection shall begin July 16, 2007 at 9:00 a.m., with jury trial to begin July 18, 2007 at 9:00 a.m. The predicted trial length is one day. The parties are jointly responsible for alerting the clerk of court forthwith if a jury need not be called.

Entered this 27th day of April, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge