

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL TEPOEL,

Defendant.

THIRD AMENDED  
SCHEDULING ORDER

07-CR-66-C

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On October 30, 2007, this court held a telephonic scheduling conference. Defendant Daniel TePoel did not participate personally, but was represented by his third appointed attorney, Morris Berman. The government was represented by Assistant United States Attorneys Meredith Duchemin and John Vaudreuil.

Not later than November 13, 2007, Attorney Berman must either (1) advise the court in writing that he wishes to pursue the pending motions, or (2) file a motion to withdraw them. If he pursues the motions, then the government must file and serve its response(s) by November 21, 2007 with any defense reply by December 12, 2007.

The parties must file and serve submissions for the final pretrial conference not later than February 19, 2008.

The final pretrial conference shall be February 22 2008 at 9:00 a.m.

The final hearing before Judge Crabb shall be February 28, 2008 at 3:00 p.m.

Jury selection and trial shall begin March 3, 2008 at 9:00 a.m. The parties are anticipating a full week of long days for trial.

As discussed at our hearing, all time from October 16, 2007 (the date the Federal Defender appointed Attorney Berman to represent TePoel) through March 3, 2008 is excluded from computation under the speedy trial clock pursuant to 18 U.S.C. § 3161(h)(8)(A). Attorney Berman needs this time to review the evidence, interview myriad, geographically distant witnesses, and to prepare for trial. Failure to provide this time would unreasonably deny TePoel and Attorney Berman reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The ends of justice served by proceeding in this fashion outweigh the best interests of the public and the defendant in a speedier trial.

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

Entered this 30th day of October, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge