

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES J. SANDERSON,

Defendant.

SECOND AMENDED
SCHEDULING ORDER

07-CR-101-S-03

On December 21, 2007, this court held a recorded telephonic status and scheduling conference. Defendant James Sanderson did not participate personally, but was represented by his attorney, Joseph Sommers. The government was represented by Assistant United States Attorney Elizabeth Altman.

We started by discussing the parties' dispute over when it is appropriate and/or required for the government to disclose the identity of an undercover officer who conducted the alleged transactions charged against a defendant. The government is sticking with its standard procedure of disclosing its undercover officer's identity to Sanderson two weeks before trial. Sanderson responds that this is unacceptable; nothing less than four weeks will do and significantly longer would be useful. The court's starting view, which I expressed at the hearing, is that under *Roviaro*, the government has a disclosure obligation for transactional witnesses, but once the disclosure decision is made, these transactional witnesses are treated no differently under the *Jencks* act than any other witness. If this premise is correct, then the government *cannot* be ordered to disclose its witness's identity

at any particular time before trial. That said, I am keeping an open mind and left the matter open for briefing so that Sanderson, by counsel, can present his arguments. Sanderson's first brief on this point is due January 10, 2008; the government's response is due January 17, 2008 with any defense reply due by January 24, 2008. Same-day service of all briefs and other documents is required.

Submissions from both sides for the final pretrial conference must be filed and served by March 20, 2008.

The final pretrial conference shall be March 24, 2008 at 10:00 a.m.

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

Jury selection and trial is set for March 31, 2008 at 9:00 a.m. The parties are predicting two days for trial.

As discussed at the hearing, the speedy trial clock remains tolled while we decide the discovery dispute. The parties had no other matters to bring to the court's attention.

Entered this 21st day of December, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge