

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CANDICE ROSENBERG,

Defendant.

AMENDED
SCHEDULING ORDER

07-CR-145-C

Following the February 28, 2008 pretrial motion hearing, the government learned that the medical examiner in Milwaukee retained subclavial blood samples from an autopsy relevant to this prosecution and which defendant wishes to have tested by an expert. As a result, defendant has requested—and the government does not oppose—extending the schedule in this case. *See* dkt. 38.

At a March 3, 2008 recorded telephonic conference I re-set the schedule as follows:

Disclosure of defense experts: April 30, 2008.

Government rebuttal experts: May 28, 2008.

Submissions for the final pretrial conference: June 10, 2008.

Final pretrial conference: June 13, 2008 at 1:30 p.m.

Final hearing: June 19, 2008 at 3:00 p.m.

Jury selection and trial: July 14, 2008 at 9:00 a.m..

The predicted trial length is five days.

Pursuant to 18 U.S.C. § 3161(h)(8), time between February 28, 2008 and July 14, 2008 is excluded from computation under the speedy trial clock because the ends of justice served by granting this continuance outweigh the interest of the defendant and the public in a speedier trial. The initial tests of the blood sample are highly relevant to the government's proof of the

most serious charge against defendant, and defendant's ability to re-test the sample is critical to her defense. No one was aware that the samples still were available for re-testing until after the pretrial motion hearing. Defendant's need to obtain the samples from Milwaukee and have them sent to a qualified expert for testing is a time-consuming and complex process that makes it unreasonable to expect adequate preparation for trial within the deadlines established by the Speedy Trial Act. Failure to grant this continuance would deny defendant the reasonable time necessary for effective trial preparation, taking into account due diligence.

Entered this 4th day of March, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge