

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

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UNITED STATES OF AMERICA,

Plaintiff,

SCHEDULING ORDER

v.

08-cr-188-bbc

KENNETH R. SMITH,

Defendant.

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At the January 6, 2009 arraignment, this court set the following schedule:

1) The government must provide its required disclosures not later than January 13, 2009, with 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 March 9, 2009. 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 (7<sup>th</sup> Cir. 2004).

3) The pretrial motion hearing and any evidentiary hearing shall be March 12, 2009 at 1:00 p.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 April 8, 2009.

5) The final pretrial conference shall be April 10, 2009 at 10:30 a.m. Defendant may waive his presence at the final pretrial conference.

6) The final hearing before the trial judge shall be April 16, 2009 at 3:00 p.m. The defendant and trial counsel must attend this hearing.

7) Jury selection and trial shall begin April 20, 2009 at 9:00 a.m. The predicted trial length is three days. The parties are jointly responsible for alerting the clerk of court forthwith if a jury need not be called.

Entered this 6<sup>th</sup> day of January, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge