

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

UNITED STATES OF AMERICA,

Plaintiff,

SCHEDULING ORDER

v.

08-cr-34-bbc

ROGER SMITH and
CARRIE WHEATON,

Defendants.

At the March 13, 2008 arraignment, this court set the following schedule:

1) The government must provide its required disclosures not later than March 20, 2008, 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 noon, May 9, 2008. Briefs need not accompany the motions. If a defendant wants an evidentiary hearing on a motion, then he or she 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 May 14, 2008 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, a defendant may waive his or her 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 July 9, 2008.

5) The final pretrial conference shall be July 11, 2008 at 9:30 a.m. A defendant may waive his or her presence at the final pretrial conference.

6) The final hearing before the trial judge shall be July 17, 2008 at 3:00 p.m. The defendants and trial counsel must attend this hearing.

7) Jury selection and trial shall begin July 21, 2008 at 9:00 a.m. The predicted trial length is two days. The parties are jointly responsible for alerting the clerk of court forthwith if a jury need not be called.

Entered this 14th day of March, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge