

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN J. WATERHOUSE,

Defendant.

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AMENDED  
SCHEDULING ORDER

12-cr-64-bbc

At an April 25, 2013 telephonic scheduling conference, the court set the following schedule:

1) Defendant must file and serve any pretrial motions and discovery requests not later than July 15, 2013 at noon. Pursuant to 18 U.S.C. § 3161(h)(7), time from April 9, 2013 until the deadline to file pretrial motions is excluded from the speedy trial clock regardless whether motions are filed. The ends of justice and the Sixth Amendment require that defendant and defense counsel receive adequate time to review the government's disclosures, investigate this case, then make tactical decisions whether to file motions and which motions to file. Briefs need not accompany motions. To obtain an evidentiary hearing on a motion, defendant must ask for it in the caption of each such motion and must submit admissible facts 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).

2) The pretrial motion hearing and any evidentiary hearing shall be July 18, 2013 at 10:30 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, defendant may waive his presence at the preliminary pretrial conference.

3) Deadlines to disclose expert witnesses: Government: August 16, 2013

Defendant: September 16, 2013

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 September 25, 2013.

5) The final pretrial conference shall be September 27 at 10:30 a.m.

6) The defendant must personally attend either the pretrial motion hearing or the final pretrial conference. He may not waive his presence at both.

7) The final hearing before the trial judge shall be October 3, 2013 at 3:00 p.m. Defendant and trial counsel must attend this hearing.

8) Jury selection and trial shall begin October 7, 2013 at 9:00 a.m. The predicted trial length is one to two days. The parties are jointly responsible for alerting the clerk of court forthwith if a jury need not be called.

Entered this 25<sup>th</sup> day of April, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge