

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NO. 1:12CR100
(Judge Keeley)**

**PATRICK FRANKLIN ANDREWS,
KEVIN MARQUETTE BELLINGER,**

Defendants.

PRETRIAL AND TRIAL SCHEDULING ORDER

On December 7, 2012, the Court designated this case as complex pursuant to 18 U.S.C. § 3161 (h)(7)(A), Section 3161(h)(7)(B)(ii), and L.R. Crim. Pro. 16.01(h), continued the defendants' trials, and ordered the parties to file a proposed discovery and trial schedule. (Dkt. No. 68). As of the date of that order, twenty-two (22) Speedy Trial days had passed for both defendants, with forty-eight days (48) remaining.

The parties filed a joint proposed pretrial scheduling order on December 17, 2012 (dkt. No. 70). Pursuant to L.R. Crim. Pro. 16.01(h), the Court **ORDERS** that the following table of dates and deadlines shall govern the further preparation of this case:

TABLE OF DATES AND DEADLINES	
MOTIONS	July 11, 2013
RESPONSE TO MOTIONS	July 29, 2013

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MOTION HEARING	August 12, 2013 10:00 A.M.
MOTIONS RELATING TO GUILT PHASE OF TRIAL	October 7, 2013
RESPONSES RELATING TO GUILT PHASE	October 21, 2013
REPLIES TO MOTIONS	October 28, 2013
MOTION HEARING ON GUILT PHASE BEFORE JUDGE KEELEY	November 8, 2013 10:30 A.M.
MOTIONS RELATING TO THE PENALTY PHASE	December 2, 2013
RESPONSES RELATING TO THE PENALTY PHASE	December 16, 2013
REPLIES TO MOTIONS	December 23, 2013
MOTION HEARING ON PENALTY PHASE BEFORE JUDGE KEELEY	January 17, 2014 10:30 A.M.
RULE 12.2 NOTICE PERTAINING TO THE INTRODUCTION OF MENTAL HEALTH EVIDENCE	March 7, 2014
GIGLIO AND ROVIARO	April 7, 2014
JENCKS ACT MATERIAL	April 7, 2014
PROPOSED VOIR DIRE	January 13, 2014
JOINT PROPOSED JUROR QUESTIONNAIRE	January 13, 2014
JOINT PLAN FOR VOIR DIRE AND JURY SELECTION PROCEDURES	January 13, 2014
HEARING ON QUESTIONNAIRES AND SELECTION PROCEDURES	February 20, 2014 10:30 A.M.
MAIL QUESTIONNAIRES	March 17, 2014
RESPONSE TO QUESTIONNAIRES	April 2, 2014
HEARING TO REVIEW QUESTIONNAIRES	April 28, 2014 10:00 A.M.
JURY INSTRUCTIONS	May 14, 2014
MOTIONS IN LIMINE	May 14, 2014

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RESPONSES TO MOTIONS IN LIMINE	May 21, 2014
PLEA AGREEMENT	May 14, 2014
FINAL LIST OF WITNESSES	May 19, 2014
FINAL LIST OF EXHIBITS	May 19, 2014
PRETRIAL CONFERENCE	May 29, 2014 10:30 A.M.
TRIAL DATE	June 9, 2014 9:30 A.M.

1. All motions, including any motion for a bill of particulars pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure and LR Cr P 47.01, shall be filed on or before **July 11, 2013.** All such motions shall contain or be accompanied by a memorandum or brief presented at the time of filing setting forth the reasons and legal support for granting such motion. If this memorandum or brief is not presented at the time of filing, the motion will be dismissed.

2. Responses to all such motions with legal support or memorandum shall be filed on or before **July 29, 2013.**

3. A hearing on all motions, if referred to the Magistrate Judge by the Court, shall be held by the Magistrate Judge on **August 12, 2013 at 10:00 A.M.** The defendant shall be present at the hearing on all pretrial motions. The United States Marshals Service requires that subpoenas for witnesses be issued ten days

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prior to the date of the hearing in order for them to be able to serve them.

4. **MOTIONS RELATING TO THE GUILT PHASE:** All motions, relating to the guilt phase of the case, shall be filed on or before **October 7, 2013.** All such motions shall contain or be accompanied by a memorandum or brief presented at the time of filing setting forth the reasons and legal support for granting such motion. If this memorandum or brief is not presented at the time of filing, the motion will be dismissed.

5. **RESPONSE TO MOTIONS RELATING TO GUILT PHASE:** Responses to all such motions with legal support or memorandum shall be filed on or before **October 21, 2013.** Replies to motions shall be filed on or before **October 28, 2013.**

6. **MOTION HEARING ON GUILT PHASE:** A hearing on all motions relating to guilt phase, shall be held **November 8, 2013 at 10:30 A.M.** before the Honorable Irene M. Keeley. The defendant shall be present at the hearing on all pretrial motions. The United States Marshals Service requires that subpoenas for witnesses be issued ten days prior to the date of the hearing in order for them to be able to serve them.

7. **MOTIONS RELATING TO THE PENALTY PHASE:** All motions, relating to the penalty phase, shall be filed on or before

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December 2, 2013. All such motions shall contain or be accompanied by a memorandum or brief presented at the time of filing setting forth the reasons and legal support for granting such motion. If this memorandum or brief is not presented at the time of filing, the motion will be dismissed.

8. **RESPONSE TO MOTIONS RELATING TO PENALTY PHASE:** Responses to all such motions with legal support or memorandum shall be filed on or before **December 16, 2013.** Replies to motions shall be filed on or before **December 23, 2013.**

9. **HEARING ON MOTIONS RELATING TO PENALTY PHASE:** A hearing on all motions relating to Penalty phase, shall be held **January 17, 2014,** at **10:30 A.M.** before the Honorable Irene M. Keeley. The defendant shall be present at the hearing on all pretrial motions. The United States Marshals Service requires that subpoenas for witnesses be issued ten days prior to the date of the hearing in order for them to be able to serve them.

10. **RULE 12.2 NOTICE:** Rule 12.2 notice pertaining to the introduction of mental health evidence shall be disclosed on or before **March 7, 2014.**

11. **GIGLIO AND ROVIARO:** Rule 404(b), Giglio and Roviario evidence shall be disclosed on or before **April 7, 2014.**

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12. **JENCKS ACT MATERIAL**: It is requested that the government disclose materials described in 18 U.S.C. Section 3500 (Jencks Act material) on or before **April 7, 2014**.

13. **PROPOSED JUROR QUESTIONNAIRE, VOIR DIRE**: All proposed voir dire questions and proposed jury questionnaires shall be filed by counsel with the Court and opposing counsel on or before **January 13, 2014**.

14. **PROPOSED JURY INSTRUCTIONS**: All proposed jury instructions shall be filed by counsel with the Court and opposing counsel on or before **May 14, 2014**.

If the instructions, voir dire, verdict forms, and special interrogatories in this case are prepared on a computer in a software program compatible with WordPerfect or Microsoft Word, counsel are requested to send files containing those instructions in such a compatible format to the Court by email, care of Elaine Junkins at Elaine_Junkins@wvnd.uscourts.gov, with the email subject line including the case name and party proposing the instructions. If the request for an email with the noted information is not followed, sanctions may occur.

15. **WITNESS LIST**: By **May 19, 2014** counsel for each party shall file a list of probable witnesses and possible witnesses

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(identified as such), but not whether or not the defendant shall be a witness. The list shall state the full name and address of each witness and shall also contain a brief statement of the subject matter to be covered by each witness. Expert witnesses and record custodians shall be identified as such on the list.

16. **EXHIBIT LIST**: By **May 19, 2014** counsel for each party shall file with the court and with opposing counsel a list of exhibits to be offered at trial. In addition, counsel for each party shall number the listed exhibits with evidence tags with may be obtained from the clerk and shall exchange a complete set of marked exhibits with opposing counsel (except for large or voluminous items or other exhibits that cannot be reproduced easily).

17. **MOTIONS IN LIMINE**: All motions in limine, (which must be limited to matters actually in dispute) shall be filed by counsel on or before **5:00 P.M. May 14, 2014**. Responses to motions in limine are due on or before **5:00 P.M. May 21, 2014**.

18. **PLEA AGREEMENT**: If this matter results in the formulation of a plea agreement, counsel shall submit to the Court the executed plea agreement or an unexecuted final proposed agreement by **5:00 P.M. May 14, 2014**.

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19. **PRETRIAL CONFERENCE**: A pre-trial conference shall be held before the Honorable Irene M. Keeley on **May 29, 2014** at **10:30 A.M.** at the **Clarksburg, West Virginia** point of holding court.

20. **TRIAL**: Jury selection in this action shall be held on **June 9, 2014** at **9:30 A.M.** at the **Clarksburg, West Virginia** point of holding court. Trial will commence upon the completion of jury selection.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this order to counsel of record and all appropriate agencies.

DATED: December 21, 2012.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE