

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

ORDER

-against-

04-CR-1016 (NGG)

RONELL WILSON,

Defendant.

-----X

NICHOLAS G. GARAUFIS, United States District Judge.

Pursuant to the court's direction at the November 9, 2011 status conference (see Docket Entry # 568), the parties have jointly proposed a motions/briefing schedule. (Proposed Mot. Schedule (Docket Entry # 597).) The court has reviewed the parties' proposal and made modifications. The parties shall comply with the following schedule:

February 1, 2012 – Defense notice of intent to seek a hearing pursuant to Atkins v. Virginia.

February 15, 2012 – Simultaneous exchange of experts either party intends to call at an Atkins hearing, experts' C.V.s, and tests either party intends to administer. In addition, defense counsel will provide a description of the tests which have been administered to Defendant by defense experts, as well as a summary of the opinions the experts are expected to render. Either party's list may be modified on notice, should either side determine based on the results of testing or investigation that additional experts or testing are required.

March 14, 2012 – Defendant's motions regarding Government's proposed tests, scope of the interview of Defendant, and procedures to be followed.

April 4, 2012 – Government's response to Defendant's motions.

April 11, 2012 – Defendant's reply.

April 20, 2012 – Argument and/or hearing on issues presented in motions.

June 1, 2012 – Completion of Government's testing.

June 29, 2012 – Simultaneous exchange of expert reports.

July 27, 2012 – Final motions regarding substantive and procedural issues.

August 10, 2012 – Response to motions.

August 17, 2012 – Oral argument (if necessary).

September 4, 2012 – Parties’ submission of proposed questionnaire for jury selection. Parties shall submit their proposal jointly, and their submission shall identify any unresolved issues or areas of disagreement.

September 10, 2012 – In-court conference to finalize jury questionnaire.

October 1, 2012 – Jury selection begins.

The parties have informed the court that they are unable to agree on when Defendant must provide notice pursuant to Federal Rule of Criminal Procedure 12.2. (See Proposed Mot. Schedule at 2.) The parties shall brief this issue in accordance with the following schedule: The parties’ simultaneous submission of briefing on their respective positions is due by January 20, 2012; both parties’ responses, if any, are due by January 27, 2012.

Should the court grant Defendant’s Atkins motion, the part of the schedule that follows that decision will be moot.

SO ORDERED.

Dated: Brooklyn, New York
January 11, 2012

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge