

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION H-08-411
	§	
(1) MARK DAVID RADLEY	§	
(2) JAMES WARREN SUMMERS	§	
(3) CODY DEAN CLABORN	§	
(4) CARRIE KIENENBERGER	§	

Agreed Scheduling Order

Pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A), the Court finds that the ends of justice which will be served by allowing the defendants additional time in which to prepare this case outweigh the best interest of the public and the defendants in a speedy trial. The Court’s basis for said finding is that the failure to grant a continuance in this case would deny counsel for the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §3161(h)(8)(B)(iv).

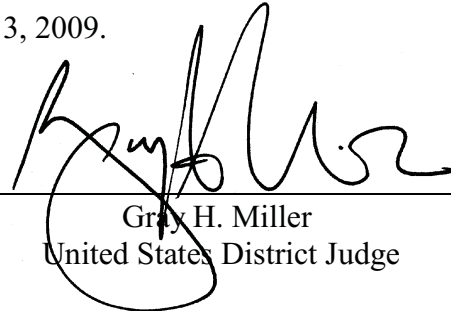
Accordingly, it is ordered that the agreed motion for pretrial scheduling order (Dkt. 324) is GRANTED and the time between September 3, 2009 and February 8, 2010 is excluded from consideration under the Speedy Trial Act, 18 U.S.C. §3161(h). It is therefore ORDERED that this case will be controlled by the following schedule:¹

<u>September 1, 2009</u>	Deadline for proposed jury instructions for offense elements.
<u>October 1, 2009</u>	Production of experts’ reports by the Government to defendants for the Government’s case-in-chief.
<u>October 6, 2009</u>	Deadline for objections to proposed jury instructions for offense elements.
<u>November 1, 2009</u>	Production of experts’ reports by defendant to the Government.

¹ Although not currently scheduled, frequent status conferences are anticipated, should such conference be necessary to proceed in accordance with this schedule.

<u>December 8, 2009</u>	Production of witness list, trial exhibits, and exhibit list by the Government to defendants.
<u>December 8, 2009</u>	Government's proposed <i>Bruton</i> redactions.
<u>December 15, 2009 @ 10:00 a.m.</u>	<i>Daubert</i> hearing (if necessary).
<u>December 30, 2009</u>	Deadline for motions in limine and defendants' objections to Government's <i>Bruton</i> redactions.
<u>January 8, 2010</u>	Production of all Jencks Act material (not previously produced) by Government to defendants.
<u>January 8, 2010</u>	Production of witness list, trial exhibits and exhibit list by defendants to the Government.
<u>January 25, 2010</u>	Deadline for proposed voir dire, additional jury instructions and verdict forms.
<u>February 4, 2010 at 10:00 a.m.</u>	FINAL pretrial conference. Defendants must be present.
<u>February 8, 2010 at 10:00 a.m.</u>	JURY SELECTION and TRIAL.

Signed at Houston, Texas on September 3, 2009.



Gray H. Miller
United States District Judge