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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,
vs.
Stephen M. Kelly,
Defendant.

United States of America,
Plaintiff,
vs.
Louis J. Vitale,
Defendant

) CR 07-575-TUC-HCE
) CR 07-576-TUC-HCE
ORDER

Pending before the Court is Defendant Kelly's Motion to Continue *Faretta* Hearing and Status Hearing presently set for May 21, 2007.

Defendant Kelly's matter is consolidated for purposes of trial with *United States v. Louis J. Vitale*, CR 07-576-TUC-HCE. The consolidated trial is presently set for June 6, 2007. On May 9, 2007, the Court set a *Faretta* Hearing as to Defendant Kelly for May 21, 2007. On May 11, 2007, the Court set a status hearing as to both cases for May 21, 2007.

1 The Government having no objection, Defendant Kelly's Motion to Continue *Faretta*
2 Hearing and Status Hearing is granted and the matters will be heard on June 6, 2007 at 9:10
3 a.m.

4 The May 21, 2007 status hearing for Defendant Vitale will also be continued to June
5 6, 2007 at 9:10 a.m. At the June 6, 2007 status hearing, counsel for Defendant Vitale should
6 be prepared to show cause why the Government's "Motion *in Limine* to Admit *Res Gestae*
7 Evidence of Defendant Vitale's Other Acts of Unlawful Trespass on Federal Property; In the
8 Alternative, Motion to Admit the Same Evidence Pursuant to Fed.R.Evid. 404(b)", and the
9 Government's Motion for Judicial Notice should not be granted pursuant to L.R.Civ. 7.2(i)
10 and L.R.Cr. 12.1, Rules of Practice of the U.S. District Court for the District of Arizona, in
11 light of Defendant Vitale's failure to respond to such Motions. Likewise, at the June 6, 2007
12 status hearing, counsel for Defendant Kelly should be prepared to address why the
13 Government's Motion *in Limine* to Preclude the Use of Certain Defenses and Motion for
14 Judicial Notice should not be granted pursuant to L.R.Civ. 7.2(i) and L.R.Cr. 12.1 in light
15 of Defendant Kelly's failure to respond to such Motions.

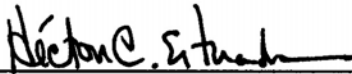
16 Accordingly, IT IS ORDERED that:

- 17 (1) Defendant Kelly's Motion to Continue *Faretta* Hearing and Status Hearing
18 (Doc. No. 10 filed in CR 07-575) is GRANTED and the May 21, 2007 *Faretta*
19 Hearing and Status Hearing are VACATED and RESET to **June 6, 2007 at**
20 **9:10 a.m.**;
- 21 (2) the May 21, 2007 status hearing set in CR 07-576-TUC-HCE is VACATED
22 and RESET to **June 6, 2007 at 9:10 a.m.**;
- 23 (3) **the June 6, 2007 consolidated trial is VACATED** to be reset by further order
24 of the Court;
- 25 (4) at the June 6, 2007 status hearing, counsel for Defendants should be prepared
26 to show cause why the Government's Motions identified within the body of
27 this Order should not be granted pursuant to L.R.Civ. 7.2(i) and L.R.Cr. 12.1
28 in light of Defendants' failure to respond to such Motions;

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- (5) IT IS FURTHER ORDERED that Defendants Kelly and Vitale must be present with counsel, Mr. Joel C. Parris and Mr. William P. Quigley, at the June 6, 2007 proceedings; and
- (6) the Clerk of Court is DIRECTED to file this Order in: CR 07-575-TUC-HCE and CR 07-576-TUC-HCE.

DATED this 18th day of May, 2007.



Héctor C. Estrada
United States Magistrate Judge