

**FILED**

MAR 19 2010

STATE OF MINNESOTA

COUNTY OF RAMSEY

RAMSEY DISTRICT COURT

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
CRIMINAL COURT DIVISION

---

State of Minnesota,

Plaintiff,

**SCHEDULING ORDER**

v.

Monica Rachel Bicking,	62-CR-08-10515
Robert Joseph Czernik,	62-CR-08-10338
Garrett Scott Fitzgerald,	62-CR-08-10335
Luce GuillenGivins,	62-CR-08-10342
Erik Charles Oseland,	62-CR-08-10345
Nathanael David Secor,	62-CR-08-10365
Max Jacob Specktor,	62-CR-08-10336
Erin Chase Trimmer,	62-CR-08-10370

Defendants.

---

The above-entitled matters came on for a hearing on February 2, 2010, before the Honorable Teresa R. Warner, District Court Judge, 1070 Ramsey County Courthouse, 15 West Kellogg Boulevard, St. Paul, Minnesota 55102.

Heidi Westby, Esq. and Derek Fitch, Esq., Assistant Ramsey County Attorneys, 50 West Kellogg Blvd., Suite 315, St. Paul, MN 55102, appeared on behalf of the State.

Bruce Nestor, Esq., 3547 Cedar Avenue South, Minneapolis, MN 55407, appeared on behalf of Defendant, Monica Bicking, who was present.

Robert Travis Snider, Esq., Snider Law Firm, 1005 W. Franklin Avenue, Suite 3, Minneapolis, MN 55405, appeared on behalf of Defendant, Robert Czernik, who was present.

John C. Bachman, Esq., John Bachman Law Office, P.O. Box 477, Eau Claire, WI 54702, and Rachel E.B. Lang, Esq., 940 Charles Avenue, St. Paul, MN 55104, appeared on behalf of Defendant, Garrett Fitzgerald, who was present.

Jordan Kushner, Esq., Suite 2446, 431 South Seventh Street, Minneapolis, MN 55415, appeared on behalf of Defendant, Luce GuillenGivins, who was present.

Ted Dooley, Esq., Ted Dooley Law Office, Suite 100 Park Building, 1595 Selby Avenue, St. Paul, MN 55104, and Peter Nickitas, Esq., 431 South Seventh Street, Suite 2446, P.O. Box 15221, Minneapolis, MN 55415, appeared on behalf of Defendant, Erik Oseland, who was present.

Robert Kolstad, Esq., 1005 W. Franklin Avenue, Suite 3, Minneapolis, MN 55405, appeared on behalf of Defendant, Nathanael Secor, who was present.

Larry Leventhal, Esq., 319 Ramsey Street, St. Paul, MN 55102, appeared on behalf of Defendant, Max Specktor, who was present.

Barbara Nimis, Esq., 350 River Road, P.O. Box 50812, Mendota, MN 55150, appeared on behalf of Defendant, Erin Trimmer, who was present.

At the February 2, 2010 hearing, this Court took under advisement Defendants' Motion to Compel Disclosure of exhibits and witnesses that the state will present at trial, Defendants' Supplemental Motion to Compel Discovery of payment information to FBI informants, and Defendant, Luce Guillen-Givins' Motion to Dismiss based on discriminatory investigation and prosecution. These motions will be addressed by separate orders.

Based upon the files, records, proceedings herein, and the arguments and agreements of counsel:

**IT IS HEREBY ORDERED** that:

1. The jury trial of these joined matters is to commence on **October 25, 2010** at 9:00a.m. in Room 131-B of the St. Paul Courthouse, 15. W. Kellogg Blvd., St. Paul, MN 55102. The estimated duration of trial is four (4) weeks, including jury selection.
2. Defendants' pretrial motions are scheduled for hearing **May 3, 4, 5, 6, 13 and 14, 2010**

at 9:00 a.m. in Room 131-B of the St. Paul Courthouse, 15. W. Kellogg Blvd., St. Paul, MN 55102. Motions to be heard are:

- Defendants' Motion to Suppress Evidence obtained as the result of illegal searches and seizures (at 627 Smith Ave., 2301 23<sup>rd</sup> Ave. S., 3240 17<sup>th</sup> Ave. S., and 3500 Harriet Ave. S.) filed January 26, 2010
  - Defendants' Motion to Suppress – 627 Smith Avenue, St. Paul, MN filed January 27, 2010
  - Defendants' Motion to Suppress – 287 E. 6<sup>th</sup> Street, St. Paul, MN filed January 27, 2010
  - Defendants' Joint Motion to Dismiss for Lack of Probable Cause filed January 27, 2010
  - Defendant, Luce GuillenGivins' Motions to Suppress Evidence from unlawful searches and seizures filed January 26, 2010
3. All other pretrial motions properly served and filed in accordance with the Minnesota Rules of Criminal Procedure will also be heard during the May 3 – 14, 2010 scheduled hearing time.
  4. Counsel for the state and counsel for the defense shall serve and file a complete and final list of trial witnesses who may be called at trial, and other persons with information relating to the case, pursuant to Minn.R.Crim.P. 9.01, subd. 1(1), no later than **August 20, 2010**. Counsel shall indicate on the witness list those witnesses likely to testify at trial. Unlisted witnesses including rebuttal witnesses shall not testify unless the trial judge determines that good cause existed for failing to disclose the witness.
  5. Counsel for the state and counsel for the defense shall serve and file complete and final exhibit lists no later than **August 20, 2010**. Prior to the commencement of trial, the proponent shall allow any other party to examine and copy all documents on the proponent's exhibit list. Unlisted exhibits shall not be admitted unless the trial court determines that good cause existed for failing to disclose the exhibit.
  6. Counsel for the state and counsel for the defense will reserve the entire day of **September 10, 2010** for a one day hearing on trial issues. These issues include jury

selection, jury instructions, direct and cross examination of witnesses, and any other trial issues.

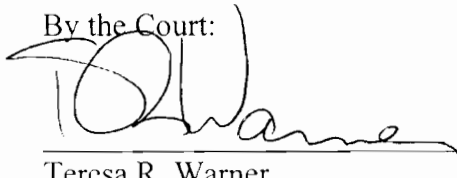
7. Counsel for the state and counsel for the defense shall cooperate on the creation of the jury questionnaire. Any irresolvable disputes will be promptly brought to the attention of the court. The proposed questionnaire shall be provided to the court no later than **September 24, 2010**.
8. All motions *in limine* shall be served and filed no later than **September 24, 2010**.
9. No later than **September 24, 2010**, counsel for the state and counsel for the defense shall submit to the court a list of requested jury instructions. Where the proposed instructions are directly from Minn. Crim. JIGS, only the numbers and titles need be given. In all other cases, the proposed instruction must be fully stated in writing with authorities cited.
10. On the morning that the trial commences, counsel for the state and counsel for the defense shall:
  - a. Meet with the court reporter for the purpose of organizing and marking exhibits;
  - b. Identify all disputed evidentiary issues;
  - c. Identify any graphics or illustrations to be used in opening statements. Where appropriate, the parties shall cooperate with one another in stipulating to the use of these graphics or illustrations.
11. No extensions or continuances will be granted without the permission of the court.

**It is so ordered.**

Date:

March 19, 2010

By the Court:



Teresa R. Warner  
Ramsey County District Court Judge