



DEPARTMENT OF THE AIR FORCE  
USAF TRIAL JUDICIARY

1 June 2011

MEMORANDUM FOR: TC (CAPT KOUBA)  
DC (MR. PUCKETT, CAPT DOSER-PASCUAL)

FROM: AF/JAT-C (Colonel Moore)

SUBJECT: Case Management Conference Summary and Scheduling Order—*United States v. 1Lt Patrick T. Burke (Dyess AFB, TX)*

1. **Background.** By memo dated 20 May 2011, the CDO set this case for trial on 8 August 2011. On 31 May 2011, an RCM 802 Scheduling Conference was held with the counsel in order to discuss issues pertinent to the case and identify areas potentially requiring early judicial intervention. As a result of the conference, the subjects were covered and deadlines established as set forth below.

2. **Arraignment.** The Military Judge finds that a separate arraignment session is not necessary in the interests of justice. Should issues arise which would be suitable for resolution before trial, the parties shall promptly notify the military judge.

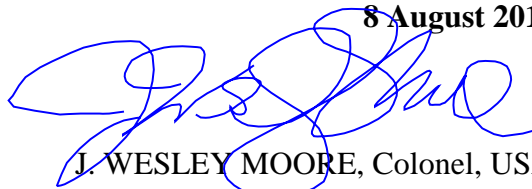
3. **Issues Covered.** The following issues were addressed during the Scheduling Conference:

- **Mental Capacity/Responsibility.** The Court has received the Defense Request for a RCM 706 board. Trial counsel confirmed they do not oppose the request. Accordingly, I entered an order for a Sanity Board on 31 May 2011. Should either side foresee mental responsibility becoming an issue at trial, appropriate notice shall be promptly made to opposing counsel and the court.
- **Status of Discovery.** Discover appears to be progressing well. No outstanding issues were identified.
- **Witness Availability/Production.** While one witness is currently deployed, that witness should be available in the local area on the scheduled trial date. No other witness issues were identified.
- **Expert Consultants.** The defense has requested the services of a forensic toxicologist and anticipates requesting a forensic psychologist as well. The government is expected to act on these requests expeditiously so as to afford the defense maximum opportunity to utilize any appointed expert, taking into account any possible need for judicial intervention should any of the requests be denied. I will consider expert requests not approved within 10 business days after their receipt by the government constructively denied absent assurances to the contrary.

- **Expert Witnesses.** The parties shall designate expert witnesses as soon as they are reasonably certain the expert will testify.
- **Expected Motions.** None identified at this time.
- **Expected Pleas and Forum.** Not identified at this time.

4. **Deadlines.** In light of the foregoing, counsel will meet the following deadlines:

<b><u>Deadlines</u></b>	<b><u>Due Date</u></b>
<b>Filing of Required Notifications</b>	<b>1 August 2011</b>
<b>Notice of Special/Affirmative Defenses</b>	<b>1 August 2011</b>
<b>Action on Outstanding Witness Request(s)</b>	<b>1 August 2011</b>
<b>Decision on/Provision of Outstanding Discovery</b>	<b>8 June 2011</b>
<b>Motions</b>	<b>25 July 2011</b>
<b>Response to Motions</b>	<b>28 July 2011</b>
<b>Exchange of Gov't and Defense Witness Lists</b>	<b>25 July 2011</b>
<b>Notice of Pleas and Forum</b>	<b>1 August 2011</b>
<b>Voir Dire</b>	<b>3 August 2011</b>
<b>Member Credit Data</b>	<b>8 June 2011</b>
<b>Trial</b>	<b>8 August 2011</b>

  
**J. WESLEY MOORE, Colonel, USAF**  
 Military Judge