

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|---------------------------|---|---------------------------|
| _____ |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| v. |) | |
| |) | CRIMINAL NO. 12-10044-DPW |
| |) | |
| INOCENTE ORLANDO MONTANO, |) | |
| |) | |
| Defendant |) | |
| _____ |) | |

**ASSENTED-TO MOTION FOR ORDER SETTING EXPERT
DISCLOSURE DEADLINE AND FOR LEAVE TO FILE
REPLY TO DEFENDANT’S SENTENCING MEMORANDUM**

The United States moves the Court to (1) establish August 2, 2013 as the deadline for the defendant to perfect his expert witness disclosure in the event the defendant chooses to call an expert witness at the sentencing hearing and (2) grant the government leave to file, on or before August 9, 2013, a reply to the Defendant’s Sentencing Memorandum. As grounds, the government states the following:

1. The sentencing hearing in this action is scheduled to be held on August 22, 2013.
2. In materials submitted in support of the Defendant’s Sentencing Memorandum (Docket Entry 75), the defendant identified Prof. J. Michael Waller as an expert the defense may call to provide a rejoinder to the government’s expert. In addition, the defendant has identified retired Salvadoran General Mauricio Ernesto Vargas as a potential witness.
3. The parties have conferred with regard to the manner in which facts relevant to sentencing will be presented to the Court and have agreed to the schedule proposed herein. Defense counsel has informed the government that the defendant has not yet determined whether he will call Professor Waller at the sentencing hearing. The parties have agreed that, in the event

Professor Waller is to testify, the defendant will provide the government a summary of Professor Waller's testimony and opinions and the bases for his testimony and opinions by no later than August 2, 2013.

4. With regard to the potential testimony of General Vargas, the defendant has agreed to provide records upon which Vargas states he relies in the report he submitted to the Court (Docket Entry 77). The government anticipates that such records will be relevant to the government's response to the Defendant's Sentencing Memorandum.

Wherefore, the government requests that the Court order that:

- (1) by no later than August 2, 2013, the defendant shall provide the government a summary of the testimony and opinions and the bases therefore for any expert witness the defendant intends to call at the sentencing hearing; and
- (2) the government may file, on or before August 9, 2013, a reply to the Defendant's Sentencing Memorandum.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By:

/s/ John A. Capin
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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF)

By:

/s/ John A. Capin

JOHN A. CAPIN

Assistant U.S. Attorney