

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSICA LYNN TOBIAS,

Defendant.

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CASE NO. 2:17-CR-22-02

HON. ROBERT J. JONKER

**ORDER**

The Grand Jury returned its Indictment in this case on June 20, 2017. Defendant Gravelle signed a Plea Agreement on December 21, 2017 (ECF No. 51), and is expected to tender a guilty plea under the Agreement on January 22. Jury trial is set to begin on February 5, 2018, on the sole charge against defendant Tobias of a controlled substance conspiracy.

The Court entered its Scheduling Order on August 14, 2017. (ECF No. 14.) The Scheduling Order provided for Expert Witness Lists four weeks prior to trial, which was originally scheduled for October 24, 2017. Requests for *Daubert* hearings were due no later than October 2, 2017 (about three weeks before the original trial date). The government did not provide an Expert Witness List within four weeks of the original trial date, or within four weeks of any of the subsequently adjourned trial dates.

On January 18, 2018, the government filed a Notice of Intent to call an opinion witness on drug distribution methods and organizations. The Notice is too late under the terms of the Court's Scheduling Order. It is also too late, as a practical matter, for the defense to consider possible

*Daubert* issues, and for the Court to resolve any such issues if the defense chooses to raise them. The government has had plenty of time along the way to identify experts, if it believes its case-in-chief depends on expert testimony. It has not done so, and the Court sees no good cause for a belated Notice.

Accordingly, the Court strikes the government's late Notice (ECF No. 56) and expects the trial to proceed without expert witnesses from either side.

**IT IS SO ORDERED.**

Dated: January 19, 2018

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE