

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK P. HEATH,

Defendant.

ORDER

04-CR-0044-C-01

Defendant Mark P. Heath has moved for a new trial, contending that the jury's verdict of guilty was against the weight of the evidence and not supported by substantial evidence and the court erred in preventing his counsel from fully questioning his co-defendant and allowing in evidence of certain materials found in a residence his brother had vacated. His motion will be denied. The government introduced ample evidence of defendant's involvement in the crimes charged against him. This evidence included his co-conspirator's testimony, the discovery in defendant's garage of two of the vehicles purchased with counterfeit checks, the presence of a Paymaster check printer in his office, the videotape of defendant in the vicinity of one of the purchases and the testimony of one of the arresting officers that defendant was trying to ingest an incriminating piece of paper when he was

arrested. Given this evidence, it would have been difficult for any reasonable jury to have acquitted defendant.

As for the errors assigned to the court by defendant, they concern matters covered fully in advance of trial. I see no necessity to explain again why defendant was not allowed to question his co-defendant about crimes that were committed more than ten years before trial when he had nine more recent crimes that defendant was able to use for impeachment purposes or why a realtor was allowed to testify about checks that came into her possession after defendant's brother vacated his residence and a new resident found them.

ORDER

IT IS ORDERED that defendant Mark P. Heath's motion for a new trial is DENIED.

Entered this 21st day of October, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge