

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

PRETRIAL MOTION
HEARING ORDER

10-cr-57-bbc

MICHAEL P. HERRICK,
JOHN BASZYNSKI,
BROOKE SAMS and
JON LEE,

Defendants.

On September 23, 2010, this court held a telephonic pretrial motion hearing. Defendant Michael Herrick did not participate personally but was represented by his attorney, Bradley J. Harris. Defendant John Baszynski did not participate personally but was represented by his attorney, Pablo Carranza. Defendant Brooke Sams was not present personally but was represented by her attorney, Christopher T. Van Wagner. Defendant Jon Lee did not participate personally but was represented by his attorney, Peter A. Bartelt. The government was represented by Assistant United States Attorney Laura Przybylinski Finn.

Prior to the hearing, Herrick and Lee filed similar motions to exclude specified evidence absent a sufficient *Santiago* proffer and preliminary ruling from the court. *See* Dkts. 73 & 74. For all practical purposes, these are motions in limine. Judge Crabb will take a *Santiago* proffer and make a preliminary ruling at the final hearing on November 10, 2010 at 3:00 p.m. If at trial, the government fails to prove up its proffer, any defendant may move for a mistrial or dismissal at the appropriate time.

Defendants Baszynski and Sams filed no pretrial motions, with counsel for Baszynski explaining his reasoning in a letter (dkt. 76) and counsel for Sams explaining his reasoning at the

hearing. The defendants did not ask for a discovery proffer on the record and they did not have any additional matters to bring to the court's attention. It is not yet clear whether any or all of these defendants will be going to trial on November 15, 2010. The court will provide draft voir dire questions and jury instructions to the parties prior to their November 2, 2010 submission deadline.

Entered this 24th day of September, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge