

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CUAUHTEMOC LUCERO-ALVAREZ,

Defendant.

ORDER

10-cr-181-bbc

On March 16, 2011, this court held the final pretrial conference. First we discussed the court's draft voir dire questions; the court agreed to modify question No. 8 as suggested by the government. Next we discussed the universe of jury instructions. There was a consensus to add the definition of alien offered by the government. These changes have been incorporated and the new versions of the voir dire and post-trial jury instructions are attached to this packet. (Because there were no changes to the preliminary instructions or the verdict form, I have not attached them).

Defendant also suggested a change to the elements instruction in the jury packet, asking that the court add the adverb "voluntarily" to element four. The government was not willing to agree to this without researching the question, so the court set a March 29, 2011 deadline for the government to submit any opposition (or concurrence) to the court. Because of the dispute, that change has not been incorporated into the jury instruction packet at this time.

The government filed three motions in limine, dkt. 12-14; defendant does not dispute 12 or 14, but wishes to be heard on 13 at the final hearing. The parties might submit argument on this point by March 29, 2011 but are not required to do so. The government does not dispute defendant's only motion in limine, dkt. 15.

The government announced that in reliance on the plea agreement that ultimately failed, and in light of defendant's drastic change in his hairstyle following the failed plea, it was obtaining a fingerprint analysis for possible use at trial. The court set March 29, 2011 as the government's disclosure deadline. This evidence may be discussed at the final hearing.

The court set a final hearing before Judge Crabb for March 31, 2011 at 3:00 p.m. The trial is set for April 4, 2011 at 9:00 and should not last more than 1½ days. The parties agree that one alternate juror suffices. Defendant's attorney is aware that the court expects him to arrange for the defendant to have street clothes for trial. The parties had no other matters to bring to the court's attention.

Entered this 17th day of March, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge