

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MEDINA-MENDOZA,

Defendant.

FINAL PRETRIAL
CONFERENCE ORDER

12-cr-33-bbc

On October 1, 2012, this court held the final pretrial conference. Defendant Jose Medina-Mendoza was present with his attorney, Adam Walsh. The government was represented by Assistant United States Attorneys Rita Rumbelow and Julie Pfluger.

First we addressed the voir dire, with the court making the changes suggested by the parties.

Second, we ran through the draft jury instructions. With the introductory instructions, Attorney Walsh reported that he might reserve his opening statement until the close of the government's case. I have added this possibility as an "either/or" dichotomy in the applicable instruction; at the October 3, 2012 final hearing, Walsh should report his final decision so that the instruction can be fine-tuned. With the post-trial instructions, both sides accepted the court's definition of an "unlawful user of marijuana." In response to the court's inquiry, the government suggested new instructions defining "alien" and what constitutes being "unlawfully in the United States." Medina-Mendoza, by counsel, acknowledges that the government's proposals accurately convey the applicable statutes and case law, but he has reserved the right to argue at the final hearing that these instructions are unnecessary. To keep this issue on the agenda, not later than October 2, 2012 at 4:30 p.m., Medina-Mendoza must file a letter brief

stating the grounds for his objection. For efficiency's sake, I have added both instructions to the packet; if the court decides not to use them, then they can be deleted.

Next we addressed the government's motions in limine. Medina-Mendoza does not contest any of the government's notices of intent to offer evidence (gathered in dkt. 46) and he does not contest the government's written motions in limine (dkts. 47-49) or its oral motion in limine to exclude evidence or argument to the effect that ignorance of the law would excuse the charged conduct. Medina-Mendoza had no in limine issues to bring to the court's attention.

Finally we addressed housekeeping. The parties will pick their jury at 9:00 a.m. on Tuesday, October 9, 2012. They anticipate completing the trial by noon on Wednesday, October 10, 2012. One alternate juror will suffice. Attorney Walsh has made arrangements to obtain street clothes for Medina-Mendoza to wear at trial. The parties had no other matters to bring to the court's attention.

Entered this 1st day of October, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge