

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY D. KALLEMBACH,

Defendant.

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ORDER

03-CR-37-C

A final hearing was held in this case on December 30, 2003 before United States District Judge Barbara B. Crabb. Laura Przyblinski-Finn and Meredith Duchemin appeared for the government. Larry Dean Kallembach was present in person, representing himself.

The government submitted two motions in limine. I GRANTED both, holding that defendant could not discuss penalties before the jury and could not claim or imply that he is proceeding pro se at trial against his will. Defendant was given an opportunity to object to both motions but refused to make any statement directed to the motions.

I advised counsel for the government and Mr. Kallembach that I would make a statement to the jury explaining Mr. Kallembach's refusal to respond to questions and his incantation of certain meaningless statements. Mr. Kallembach asked for some time to consider the substance of such a statement. His request was GRANTED. We will take the matter up at 8:30 a.m. on Monday, January 5, 2004, before the start of trial.

We reviewed again the procedures for drawing the jury. The clerk will take the list of prospective jurors to each table in order as she usually does. If Mr. Kallembach chooses

not to participate in striking jurors, then when all of the striking has been accomplished by the government, the clerk will go back to her desk and draw ten names at random from the list of prospective jurors seated in the jury box and will draw one name from the alternate pool.

The government continues to think that the trial can be completed in one day, although this depends on what defense Mr. Kallembach will assert and what actions he will take at the trial.

Entered this 31st day of December, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge