

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

TYRAY ROBERSON,

Defendant.

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ORDER

04-CR-162-S-3

On December 2, 2004 this court held a telephonic hearing to discuss with the affected parties the need to take evidence on defendant Tyray Roberson's severance suppression motions. Roberson did not participate personally but was represented by his attorney, Corey Chirafisi. The government was represented by Assistant U.S. Attorney Meredith Duchemin.

First, the government stated that it will not use in its case in chief any evidence obtained by the Iontrac Ionizer device used to check for cocaine ions in the second Lincoln Navigator. This obviates the need for an evidentiary hearing on the motion to suppress docketed as 34.

Next, Roberson withdrew his request for an evidentiary hearing on his challenge to the breadth of the warrant, although he still wants to brief the motion.

Finally, Roberson no longer seeks an evidentiary hearing on his motion for severance but remains concerned about *Bruton* issues and evidentiary spillover. The parties may brief the motion for severance and if it is denied, then they may file motions in limine to obtain the court's guidance on what evidence will come in and for what purpose.

In sum, we will not be taking evidence on any of Roberson's pretrial motions.

Entered this 2<sup>nd</sup> day of December, 2004.

BY THE COURT:

STEPHEN L. CROCKER  
Magistrate Judge