

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID A. CARLISLE,

Defendant.

ORDER

04-CR-055-C

An evidentiary hearing was held in this case on June 4, 2004, on defendant's motion to exclude evidence of POS ONE records. Plaintiff was represented by Tim O'Shea and Paul Connell. Defendant was present in person and by counsel, Lawrence Bensky.

After hearing evidence, I am denying defendant's motion to exclude evidence of the POS ONE records.

Defendant asked for certain discovery. I ordered that Mr. Connell was to determine from John Picarello whether he could print out every keystroke made on the day in question and, if so, to do that and turn it over to Mr. Bensky. Also, I directed Mr. Connell to ask Mr. Picarello to run an experiment to determine whether a deleted item shows up on a customer receipt once it has been deleted. The results of that determination are to be turned over to Mr. Bensky as well.

The parties are filing and briefing motions in limine. If other issues remain with respect to the POS ONE program, they can make them the subject of a motion in limine.

Entered this 4th day of June, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge