

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

FLORENTINO CASTILLO,

Defendant.

ORDER

05-CR-0039-C-09

Defendant Florentino Castillo has filed a motion for new trial in which he lists eleven errors allegedly made by the court that denied him a fair trial. I have reviewed each of the alleged errors and am not persuaded that any of them is a reason to grant defendant a new trial.

The first four grounds focus on defendant's belief that the government failed to adduce sufficient evidence to support the jury's finding or the court's denial of defendant's motions for judgment of acquittal made at the close of the government's case and at the close of all the evidence. In fact, the evidence was more than sufficient to support the rulings and the jury's finding.

The fifth ground goes to the government's question of Teana Corbine. As discussed

at length at trial, it was not improper for the government to elicit the answers it did from this witness.

The sixth ground is one that defendant has beaten to death. Defendant is not entitled to any additional evidence that might emerge from a different federal prosecution initiated in the Eastern District of Wisconsin.

Grounds seven and eight involve the court's decision to allow testimony about defendant's handling of drugs and weapons. I do not intend to revisit this decision. Suffice it to say that the evidence was not admitted improperly.

Finally, I am not persuaded that it was error to sustain the objection of the government to defendant's counsel's closing argument, to deny defendant's objections to statements by the government in its closing argument, to charge the jury as I did or to make the other rulings I made on motions, objections and claims of error made by defendant's co-defendants.

ORDER

IT IS ORDERED that Florentino Castillo's motion for a new trial is DENIED.

Entered this 10th day of January, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge