

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

PRETRIAL MOTION
HEARING ORDER

THOMAS ALLEN MURRAY, a/k/a BUCK,
ROBERT A PETERSON, a/k/a BEAKER,
and JOYCE ANN KNOPPS,

05-CR-097-S

Defendants.

On September 21, 2005, this court held a telephonic pretrial motion. None of the three defendants participated personally, but Thomas Murray was represented by his attorney, Craig Cascarano, Robert Peterson was represented by his attorney, Bruce Rivers, and Joyce Knopps was represented by her attorney, Richard Coad. The government was represented by Assistant United States Attorney Peter Jarosz.

Prior to the hearing, defendants Peterson and Knopps filed no pretrial motions. Attorney Rivers and Attorney Coad individually reported that they had made a tactical decision not to file motions in consultation with their clients after adequate review of the government's disclosures and after adequate investigation of this case. Both attorneys predicted that it is unlikely that their clients will go to trial.

Murray filed ten pretrial motions. After taking a discovery proffer from the government and discussing the motions with both sides, I granted the motion docketed as 38 (relating to agent notes) and denied the motions docketed as 32-37 and 39 (the motion for severance which Murray does not wish to brief or otherwise pursue).

At the hearing Attorney Cascarano withdrew his motion to suppress statements (dkt. 30) because it is moot. Attorney Cascarano will be submitting foundational documents regarding a search that underlies his motion to suppress physical evidence (dkt. 31). Counsel, however, does not wish to brief the motion, nor does the government see the need to respond. Accordingly, it is difficult to foresee any outcome other than denial; nevertheless, the court will wait to rule until the background documents are filed on or before September 28, 2005.

The parties had no other matters to bring to the court's attention. I will wait to provide draft voir dire questions and draft jury instructions to the parties until closer to their submission deadline for the October 27, 2005 final pretrial conference.

Entered this 21st day of September, 2005.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge