

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

FREDERICK G. KRIMELMEYER,

Defendant.

ORDER

07-CR-0052-C-01

The jury in this criminal case returned a verdict against defendant of guilty on four counts of tax fraud on August 15, 2007. Shortly after the jurors had been discharged, the chief deputy clerk of court brought to my attention a conversation he had overheard between two jurors after the verdict had been returned. The conversation included the words “CCAP,” which might refer to Wisconsin’s Consolidated Court Automation Programs, and “it was all there.” It probable that the juror was discussing her research into defendant’s prior record, which is to be found on CCAP. A review of CCAP’s records shows that defendant has civil judgments against him for delinquent tax warrants that have been pending since 1993; a prior conviction in 1994 for misdemeanor failure to file income tax returns, with a sentence of eight months in jail, stayed, and three years of probation; a charge

of “simulating legal process,” that was dismissed on the prosecutor’s motion; an open petition against defendant charging him as a sexually violent person that has been pending since 1996; a conviction in 1996 of felony escape-criminal arrest, with a thirty-month sentence.

The chief deputy’s report raises the questions whether the jurors should be brought back to court for inquiry into the matter, as well as whether the potential prejudice to defendant from disclosure of his entire state court record would have been so severe as to require a mistrial. I invite the government’s counsel and defendant Kriemelmeyer to state their positions on these questions, in writing, no later than August 31, 2007.

ORDER

IT IS ORDERED that the parties may have until August 31, 2007, in which to advise the court in writing of their positions on what steps, if any, should be taken by the court to determine whether the jury’s verdict in this case may stand.

Entered this 17th day of August, 2007.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge

