

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

FINAL PRETRIAL
CONFERENCE ORDER

SCOTT SWANSON,

07-CR-064-S

Defendant.

On August 10, 2007 this court held the final pretrial conference. Defendant Scott Swanson was present with his attorneys Morris Berman and Daniel Dunn. The government was represented by Assistant United States Attorney David Reinhard.

Neither side had any proposed changes or objections to the court's voir dire or the court's packet of jury instructions, although both sides reserve the right to cull and tailor the instructions at the close of the evidence and Swanson has reserved the right to present a theory of defense instruction. Because there were no changes to the court's packet, I have not re-attached those documents to this order.

The government offered no motions in limine. Swanson filed a five-part motion in limine; the government has no objections to paragraphs 1, 2 or 4, but wishes to be heard on 3 and 5. Specifically, the government wishes to introduce evidence of alleged marijuana transactions outside the time-frame of the specified conspiracy, claiming that these transactions are inextricably intertwined with the acts in furtherance of the charged

conspiracy. The issue is framed for consideration by the court. In the fifth paragraph, Swanson has objected to the government's provision of its state crime lab drug analysis after the court's July 30, 2007 deadline. The parties agree that the government alerted Swanson that the report was coming, but was unable to provide it until just recently. The issue is framed for consideration by the court.

Swanson also filed an objection to furnishing notice of intent to offer evidence prior to trial. The court will honor that objection: Swanson is under no obligation to offer his intent to furnish any evidence until after the government has rested its case in chief.

Finally, the government filed its notice of intent to offer evidence, which consisted mainly of a Rule 609 proffer. Swanson does not contest the accuracy of the proffered criminal record, but reserves the right to be heard prior to this impeachment being offered at trial. The parties had no other in limine issues to bring to the court's attention.

The final hearing is set for August 22, 2007 at 3:00 p.m. Jury selection remains set for August 27, 2007 at 9:00 a.m. The parties are to confirm with the court the current calendar, namely that the jury will be sent home after selection and the trial will begin on Wednesday, August 29, 2007 at 9:00 a.m. The parties agreed that one alternate juror will suffice. Swanson has access to street clothes for trial through his attorneys. The parties had

no other matters to bring to the court's attention.

Entered this 10th day of August, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge