

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

MEMORANDUM and ORDER

CALVIN BRUCE,

07-CR-057-S

Defendant.

Defendant's motion to admit portions of the transcript of the March 28, 2007 tape of his conversation with Detective Dorothy Rietzler came on to be heard before the Court in the above entitled matter on August 14, 2007, the government having appeared by Erik C. Peterson, United States Attorney for the Western District of Wisconsin, by Rita Rumbelow, Assistant United States Attorney; defendant in person and by Anthony Delyea. Honorable John C. Shabaz, District Judge, presided.

The government argues that the defendant's requested portions should not be admitted under 18 U.S.C. § 3501 because they are not relevant to the issue of voluntariness. The Committee Comment to Jury Instruction 3.02 states as follows:

As is required by 18.U.S.C. §3501, the instruction directs the jurors to make a determination as to the weight, if any, to be given to a statement after considering factors having to do with the defendant's personal characteristics and the conditions under which the statement was made. "Evidence about the manner in which a confession was secured will often be germane to its probative weight, a matter that is exclusively for the jury to assess." Crane v. Kentucky, 476 U.S. 683, 688 (1986).

The Court finds that the defendant's requested portions of the transcript are relevant to the weight of the statements he made which is exclusively for the jury to assess. The portions of the transcript will be admitted.

ORDER

IT IS ORDERED that the defendant's motion to admit portions of the transcript of the March 28, 2007 tape made of his conversation with Detective Rietzler is GRANTED.

Entered this 14th day of August, 2007.

BY THE COURT:

JOHN C. SHABAZ
District Judge