

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

GARRY MILOSEVICH,

Defendant.

FINAL PRETRIAL  
CONFERENCE ORDER

07-cr-66-bbc

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On January 10, 2013, the court held the final pretrial conference. Defendant Garry Milosevich was present with his attorney David Geier. The government was represented by United States Attorney John Vadreuil and Assistant U.S. Attorney Meredith Duchemin.

We started by discussing the voir dire questions. In response to the court's proposed voir dire questions (dkt. 242-1) the government had no proposed additions; Milosevich had 15 (dkt. 260). After discussing Milosevich's proposed questions with both sides, the court added most and declined to add the rest, all for reasons stated on the record. A copy of the revised set of voir dire questions is attached to this order.

Next we discussed the universe of jury instructions. The only changes at this juncture were to align the statement of the case in the preliminary instructions with the revision to the voir dire, and to correct two typographical errors that the government caught in the post trial instructions. Both are attached to this order. Milosevich has proposed a lengthy set of instructions on contract law, *see* dkt. 261, which the government adamantly opposes. The parties will present their positions at the January 31, 2013 final hearing with Judge Crabb. Copies of

the preliminary and post trial instructions are attached to this order.

Both sides file a number of motions in limine, many of which are contested and will require discussion and decision at the final hearing. Milosevich wishes to be heard in opposition to the government motions docketed as 245, 248, 251, 252 and all parts of the government's notice of intent to offer evidence, dkt. 263 (although he simply wants a *Santiago* proffer on the conspirator statements). Milosevich does not dispute government's motions docketed as 243, 246, 247, 249 and 250.

The government wishes to be heard in opposition to all five of Milosevich's motions in limine, dkts. 253-57. Both of Milosevich's requests to use other acts evidence for impeachment (dkts. 258-59) are moot because the government reports that it does not intend to call Swartzendruber or Tepoel as government witnesses.

Not later than January 17, 2013, each side may file a brief presenting its position on the disputed issues that will be discussed at the January 31, 2014 final hearing. Neither side had any additional substantive issues to bring to the court's attention.

The parties now predict a five day trial. Two alternate jurors will suffice. Milosevich will arrange to have street clothes available for trial.

Entered this 10<sup>th</sup> day of January, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge