

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

PRETRIAL MOTION
HEARING ORDER

07-CR-076-C

ANGEL ZAVALA RAMIREZ, a/k/a Carlos Garcia-Garcia,
PABLO BALTAZAR-MORALE a/k/a Sergio Lopez-Luna,
OSIEL GARAY-PAEZ, a/k/a Alex Borgetty,
SAUL DUARTE, a/k/a Carlos DeLosSantos-Lopez
ELIU VILLICANA-MANCILLA,
ODILON FERNANDEZ-MARTINEZ a/k/a Marcos Martinez-Gomez,
DANIEL AVILLA, a/k/a Daniel Velasquez and
GABRIEL CASTANEDA-LUNA, a/k/a Felipe Diaz,

Defendants.

On August 15, 2007, this court held the pretrial motion hearing. Defendants Baltazar-Morale, Garay-Paez and Villicana-Mancilla were all present with their attorneys. Defendants Zavala Ramirez, Duarte, Fernandez-Martinez and Avilla waived their personal presence, but were represented by their attorneys. Defendant Castaneda-Luna and his attorney both waived their presence at the hearing. The government was represented by Assistant United States Attorney John R. Vaudreuil.

Defendants Zavala Ramirez, Garay-Paez and Fernandez-Martinez filed no pretrial motions. Attorneys Ochoa, Carranza and Medina all advised the court that they made tactical decisions not to file motions, in consultation with their clients, after adequate review of the government's disclosures and after adequate investigation of the case.

In response to the discovery motions filed by the other defendants, the government proffered that it would be fair to characterize this as an open-file case. The government acknowledged its *Brady* and *Giglio* obligations and outlined the course of discovery. The government then responded to specific discovery inquiries by particular attorneys. After giving everyone a chance to make a record, I granted the motion docketed as 42, denied 43-45 and 50, and took no action on the discovery demands docketed as 41, 46, 47, 48, 51 and 52.

In response to defense inquiry, I prospectively authorized preparation of a Spanish translation of the written plea agreement the government is offering to all of the defendants in this case. Because it is unclear which defendants will go to trial, I will wait to provide draft voir dire questions and jury instructions to counsel until closer to their September 24, 2007 submission deadline for the final pretrial conference. The parties had no other matters to bring to the court's attention.

Entered this 15th day of August, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge