

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN L. LOREDO,

Defendants.

FINAL PRETRIAL
CONFERENCE ORDER

10-cr-16-bbc

On September 10, 2010, this court arraigned defendant Juan L. Loredó on the superseding indictment and held the final pretrial conference. Loredó was present with his attorney Adam Walsh. The government was represented by Assistant United States Attorney Timothy O'Shea.

Prior to the hearing, the court distributed draft voir dire questions, jury instructions and verdict forms, *see* *dk.* 42. The government proposed a change to Question No. 9, which Loredó did not oppose, so the court adopted it. The court is predicting up to three days for trial in the voir dire in an abundance of caution. The government pointed out two typographical errors in the pretrial jury instructions which the court has corrected. The government suggested some minor but important changes to the post-trial instructions that the court also accepted. A copy of the post-trial jury instructions and the new verdict forms are attached to this order so that the parties may double-check the court's implementation.

Also, the government proposed that the court amend its admittedly bland buyer-seller instruction. Loredó opposes amendment. The government makes two proposals, the first of which makes sense because it tailors the court's instruction to the evidence in this case without venturing into lists of factors. *See* *dk.* 52 at 4. I recommend that the court adopt these proposed changes. The government's additional proposal, *id.* at 6, is grounded in recent case law, but veers toward the now-disfavored list of factors, albeit a "non-exhaustive" list. The

question is whether the court wants to instruct the jury on what a conspiracy *is* (the government's proposed addition) as opposed to what a conspiracy *is not* (the court's current instruction). It would be more cautious to stick with the current instruction, while it may be more useful to the jury to provide the partial list suggested by the government. This merits further discussion at the final hearing or at the final jury instruction conference at the close of the evidence.

The government filed four motions in limine, the first three of which (dkts. 47-49) Loredo does not dispute. Loredo does dispute and wishes to be heard on the government's final motion (dkt. 50) seeking to limit his impeachment of former co-defendant and government witness Federico Perez.

The parties are predicting a two-day trial and are satisfied with one alternate juror. Loredo has access to street clothes for trial. The parties are aware that evidence must be presented on the ELMO. They had no other matters to bring to the court's attention.

Entered this 21st day of September, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge