

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC GARVEY,

Defendant.

FINAL PRETRIAL
CONFERENCE ORDER

10-cr-133-wmc

On January 28, 2011, this court held the final pretrial conference. Defendant Eric Garvey was present with his Richard Christensen. The government was represented by Assistant United States Attorney Peter Jarosz.

Prior to the hearing, the court circulated draft voir dire questions to the parties. The government offered four additional questions, *see* dkt. 34; for reasons stated (and with no objection from Garvey), I added the confidential informant question and a place-holding question on compelled witnesses and declined to add the other two questions, some of which the court agreed to include, the rest of which it declined for reasons stated. A copy of the final version of the voir dire is attached to this order. A copy of the final version of the voir dire is attached to this order. Garvey had no proposed changes to the court's draft voir dire.

Next we discussed the universe of jury instructions. Neither side had any proposed changes at this time but will propose their changes at the close of the evidence.

Third on the agenda were in limine issues. Defendant has disclaimed an alibi defense, so the government's request, dkt. 29 is academic. Garvey wishes to be heard on the government's intent to offer a recording of his June 6 interview to offer additions under F.R. Ev. 1006, a matter raised obliquely in the government's notice of intent, dkt. 30. Not later than noon on Monday, January 31, 2011, the government will fine-tune its more specific notice of intent to offer evidence, *see* dkt. 35; depending on what the government adds or deletes, Garvey may wish to be heard on the Rule 609 proffer, the Rule 608 proffer, the Rule 404(b) proffer and

the recording of the April 12, 2008 Oiyotte telephone call. Garvey had no in limine issues for the court.

The parties still predict a two day trial and are satisfied with one alternate juror. Garvey will have street clothes to wear for trial. The parties are aware they must present evidence on the court's ELMO. The parties had no other matters to bring to the court's attention.

Entered this 28th day of January, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge