

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN M. GONZALEZ-RUIZ,

Defendant.

FINAL PRETRIAL
CONFERENCE ORDER

12-cr-28-wmc

On August 2, 2012, the court held the final pretrial conference. Defendant Juan M. Gonzalez-Ruiz was present with his attorney, Christopher Van Wagner. The government was represented by Assistant U.S. Attorney Munish Sharda.

First we reviewed the draft jury instructions, voir dire questions and verdict form previously circulated by the court. The government had no proposed changes and Gonzalez had only one, asking that the court delete the voir dire question calling attention to his ethnic heritage. The court has made the requested change and corrected a typo in a post-trial jury instruction. Copies of the jury instructions, voir dire questions and verdict form are attached to this order.

Next we discussed the parties' motions in limine and notices of intent to offer evidence at trial. The government consolidated its four motions in limine in one document, dkt. 39. Gonzalez does not oppose the government's first two motions regarding reasonable doubt and possible penalties. Gonzalez does oppose the government's third motion, to exclude evidence or argument regarding the lack of DNA and fingerprint evidence on the charged firearms; indeed, Gonzalez's notice of intent to offer evidence (dkt. 43) names as trial witnesses the analysts who reported the absence of this evidence. The court permitted the parties to amplify their arguments on this dispute by August 3; the government did so, *see* dkt. 49. (The government

also argues for limits on the extent to which Gonzalez may impeach one of its witnesses with a prior conviction under Rule 609). If Gonzalez wishes to reply in writing (he is not required to), then his response is due today, August 6, 2012. Gonzalez also wishes to be heard on the government's fourth motion in limine insofar as he intends to impeach government witness Sgt. Laha as racially biased based on comments he made during the traffic stop.

As for the government's notice of intent to offer evidence (dkt. 40), the parties have stipulated to Gonzalez's prior conviction and to interstate travel by the firearms and ammunition, *see* dkts. 46 & 47. Finally, the parties are discussing how much of the recording of the traffic stop they wish to play for the jury; it's possible they will ask the court to referee any dispute on this point. The parties had no other in limine issues to bring to the court's attention.

The parties expect the trial to last no more than two days. They asked to seat two alternate jurors. Attorney Van Wagner is aware of his obligation to obtain street clothes for Gonzalez to wear at trial. Finally, the parties alerted the court that they may resolve this case with a conditional guilty plea reserving Gonzalez's right to appeal any final adverse ruling on his suppression motion. They will keep the court posted. The parties had no other matters to bring to the court's attention.

Entered this 6th day of August, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge