

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
) vs.)
) No. 08 CR 846
) Honorable Joan H. Lefkow
JON BURGE)

**DEFENDANT'S MOTION *IN LIMINE* REGARDING
PRIOR TESTIMONY OF ANDREW WILSON**

Defendant JON BURGE, by his attorneys, pursuant to the Federal Rules of Evidence and the Fifth and Sixth Amendments to the United States Constitution, respectfully moves *in limine* in respect to Andrew Wilson's prior testimony. In support thereof, the following is offered:

1. This Court has ruled, over defendant's objection, that the government may admit the prior testimony of Andrew Wilson, who is deceased.

2. On May 6, 2010, the government tendered a copy of Andrew Wilson's testimony from what is known as the "2nd civil trial" in *Wilson v. City of Chicago*. The transcript sets forth the testimony the government believes should be admitted and excluded.¹

3. Defendant has reviewed the transcript and files a paper copy along with this motion. Defendant moves to strike the highlighted portions that are not lined-out. Defendant moves to admit the highlighted lined-out portions.

¹ The government had previously informed us, in general, of its decision to use Wilson's testimony from the 2nd civil trial. In view of what the government submitted on May 6, 2010, we are in the process of reviewing Wilson's testimony on other occasions for further impeachment.

4. Defendant moves this Court to hold a hearing to consider our objections² and requests to admit.

Respectfully submitted,

/s/ Marc W. Martin

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² Defendant, of course, persists in his objections to Andrew Wilson's testimony as a whole for the grounds set forth in our prior pleadings on the subject.

CERTIFICATE OF SERVICE

I, MARC W. MARTIN, an attorney for Defendant Jon Burge, hereby certify that on this, the 10th day of May, 2010, I filed the above-described document on the CM/ECF system of the United States District Court for the Northern District of Illinois, which constitutes service of the same.

/s/ Marc W. Martin

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