

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 11-40033-01-RDR

WILLIAM JOSEPH WILLOX,

Defendant.

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O R D E R

This matter is presently before the court upon defendant's motion in limine regarding audio recordings. The defendant seeks an order preventing the government and its witnesses from introducing evidence of, mentioning, or any way alluding to the audio recording of ATF agent Zornes' interview with him on February 22, 2011 at the trial of this case. The defendant notes that the recording contains matters which are inadmissible. The government has no objection to the defendant's motion. The government agrees that the recording contains remarks that should not be heard by the jury. The government agrees that the audio recording will not be played or introduced as evidence. The government further states it will instruct its witnesses not to reference the existence of the audio recording.

In light of the circumstances and the government's response, the court will grant the defendant's motion. The government shall not use the audio recording at trial or refer to it in any manner.

**IT IS THEREFORE ORDERED** that defendant's motion in limine regarding audio recording (Doc. # 28) be hereby granted. The government shall not use the audio recording made on February 22, 2011 at trial or refer to it in any manner.

**IT IS SO ORDERED.**

Dated this 8<sup>th</sup> day of August, 2011 at Topeka, Kansas.

s/Richard D. Rogers  
United States District Judge