

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

EVIDENTIARY HEARING via ZOOM

FRANCISCO MARTINEZ

Case No. 20-CR-151

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: September 4, 2020
Deputy Clerk: Lori

Time Called: 9:13 am
Time Concluded: 1:22 pm
Tape: ZOOM
090420

Appearances:

UNITED STATES OF AMERICA by: William J. Roach
Francisco Martinez, via Zoom and by: Edward J. Hunt
US PROBATION OFFICE by:
INTERPRETER: None ☐ Interpreter Sworn

FPT set for 10/2/2020 and JT set for 10/19/2020

Motion to sequester witnesses by Mr. Hunt is GRANTED. The witnesses will not be admitted into the Zoom Hearing until it is time for them to testify.

Judge Griesbach addresses the rules regarding evidentiary hearings findings for video hearing and appearances. Defendant requests and consents to proceed with the hearing via videoconference. There are no objections. The Court instructs all participants as to unauthorized recordings, photos or copying of hearing.

Mr. Roach summarizes witnesses and videos that will be played during the hearing, Exhibit # 1-Arizona Stop and Exhibit #2- Fond du Lac Stop.

Mr. Hunt has no objections to the videos.

The Court instructs the government has the burden of proof.

9: 23 am: Mr. Roach calls first witness, Thomas Callister.
(conversations dealing with witness having difficulty connecting)

9:30 am: Mr. Roach plays portion of video no. 1 (Arizona Stop while waiting for witness to connect to hearing.

9:33 am: **Thomas Callister**, Arizona State Trooper, sworn and testifies under direct by Mr. Roach.

9:35 am: Mr. Hunt Objects, relevance, Overruled.

9:36 am: Mr. Hunt makes a standing objection to line of questioning as to roadways/corridor. The Court recognizes the standing objection.

9:41 am: Exhibit 3 Photo offered to witness.

9:43 am Objection by Mr. Hunt, relevancy. Mr. Roach responds. The Court overrules objection.

9:49 am: Exhibit #1 Video titled Arizona Stop played.

The witness identifies Martinez vehicle.

Video stopped at 3:28 seconds.

Testimony continues.

9:57 am: Video resumes play.

10:00 am: Video clip played at 4 min 39 seconds.

10:01 am: Video stopped.

10:08 am: Video clip resumes and stopped at 10:10 am.

10:14 am: Cross examination by Mr. Hunt.

10:34 am: Mr. Roach objects, relevance. Sustained.

10:44 am: Mr. Roach objects, different case. Sustained.

10:47 am: Mr. Roach objects, Sustained.

10:48 am: Mr. Hunt asks for brief breakout session with defendant. Granted.

10:49 am: Court resumes. Redirect by Mr. Roach

10:54 am: Redirect complete. The Court questions witness.

11:00 am: The witness is excused.

Mr. Roach calls Alexander Wysocki, Brown County Task Force, sworn and testifies under direct examination.

11:11 am: Brief Recess.

11:13 a m: Court resumes.

11:16 am: Cross examination by Mr. Hunt.

11:26 am: Mr. Roach objects, irrelevant inquiry. Mr. Hunt responds. The Court instructs counsel to ask a different question.

11:31 am: Witness is excused, Mr. Roach calls Wisconsin State Trooper, Matthew Ackley, sworn and testifies under direct examination.

11:47 am: Exhibit #2 Video played. Video continues and stopped at 1 minute 56 seconds.

11:52 am: Video played and stopped at 2 minutes and 45 seconds.

11:56 am: Video resumes play and stopped; warning addressed.

11:59 am: Video played and stopped at 6 minutes and 25 seconds.

(Witness is currently employed as a Deputy for Sarasota County Sheriff's Department in Sarasota, Florida.)

12:03 pm: Mr. Hunt objects, leading. Counsel will rephrase.

12:06 pm: Cross-examination by Mr. Hunt.

12:15 pm: The Court responds.

12:18 pm: Mr. Hunt requests Exhibit Video #2 be replayed from 5 – 6 minutes.

12:29 pm: The Court questions witness.

12:33 pm: Mr. Roach calls Justin Weisbecker, while waiting for witness to enter, Mr. Roach moves to enter Exhibits 1, 2 and 3 into evidence. No objections, exhibits 1,2, and 3 are received.

(IT Tech, Katie is assisting witness with computer issues to enter hearing)

12:41 pm: Justin Weisbecker, currently employed with Fox Valley Technical College, previously employed as Fond du Lac Sheriff's Department, sworn and testifies under direct examination.

12:45 pm: Exhibit #2 Video played.

12:53 pm: Exhibit #2 Video played.

12:58 pm: Cross-examination by Mr. Hunt.

1:12 pm: Cross-examination complete. Re-direct by Mr. Roach.

The Court questions witness. Witness is excused. Evidence is complete.

Discussion as to poor audio connection with last witness making transcript preparation difficult. The Court states that most of his testimony is in the record. The Court attempted multiple times to make his audio clearer. Further briefing addressed. Mr. Roach will do a letter response in 7 days citing additional case law pinpointing key issues. Mr. Hunt will have opportunity to respond. The Court addresses key issues for further case law. Adjourned at 1:22 pm.