

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

-----  
UNITED STATES OF AMERICA, )  
 )  
v. ) Criminal No. 3:02CR00264 (AWT)  
 )  
WALTER A. FORBES )  
-----

**RULING ON FORBES' RETRIAL MOTION IN LIMINE NO. 18**

**(Motion of Defendant Walter A. Forbes to (1) Preclude the Government From Referring to Robert Tucker's Handwritten Notes as Board "Minutes" and (2) Preclude the Government From Presenting Any Evidence, Cross-Examination or Argument Concerning the Differences Between GX 5, GX 453 & GX 77)**

For the reasons set forth below, defendant Forbes' motion *in limine* is being denied.

Defendant Forbes' motion is being denied as moot with respect to his request for an order precluding the government from referring to GX 5 as either "minutes" or "draft minutes" of the April 9, 1997 board meeting based on the court's understanding that the government is representing that it does not intend to refer to Robert Tucker's handwritten notes as "minutes" or "draft minutes."

Defendant Forbes' request for an order precluding the government from presenting any evidence, cross-examination or argument concerning the differences between GX 5, GX 453 and GX 77 is being denied without prejudice. The court's analysis of any issues relating to these documents should be informed by the state of the record as of the time the issue presents itself.

