

Minutes of Proceedings: Record of Daubert hearing. Government witness Jennifer Freyd, Ph.D. sworn and examined. Government exhibits #1-4 submitted. Defendant witness Loren Pankratz sworn and examined. The Government's Motion to Admit the Expert Testimony of Jennifer F. Freyd (#85) is Granted. The court finds that Ms. Freyd's reasoning and the methodology underlying her testimony is scientifically valid, that the proposed testimony is relevant, and that the testimony will assist the jury by providing information beyond common knowledge. Defendant's Motion to Exclude the Government's Expert (#57) is Denied. The Government's Motion for Reconsideration of Admissibility of Complainant's Age and Grade Level, filed under seal, is Granted. Defendant's Motion in Limine, contained in his Trial Memorandum, to Allow Cross-examination Regarding a Potential Civil Proceeding is Denied. Defendant's Motion in Limine, contained in his Trial Memorandum, to Instruct Government Witnesses Not to Testify to the Complainant's Accusations is Denied as moot. Defendant's Motion in Limine, contained in his Trial Memorandum, to Preclude the Government from Introducing Evidence of Defendant's Prior Consensual Sexual Conduct is Granted as unduly prejudicial, though such evidence may be admissible in rebuttal. For the same reason, the Government's Motion to Admit Evidence of Prior Relationship (#75) is Denied. Defendant's Motion in Limine, contained in his Trial Memorandum, to Exclude Evidence of Prior Convictions is Granted, though such evidence may be admissible in rebuttal. Defendant's Motion in Limine, contained in his Trial Memorandum, to Exclude the Complainant from the Courtroom is denied as there is no "clear and convincing" evidence that her testimony would be materially altered if she attends the trial. Record of Pretrial Conference: Jury selection and trial procedures discussed. Record of Telephone Conference held 5/16/2008. Defendant's Motion to Continue Trial (#101) is Granted. The 5/19/2008 Jury Trial is stricken. An in-court Status Conference is set on 6/10/2008 at 1:30 p.m. to set a new trial date. Counsel Present for the Government: Bill Williams. Counsel Present for Defendant: Amy Baggio. (Court Reporter Bonita Shumway) (lg) (Entered: 05/16/2008)