

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA

Plaintiff,

vs.

BRANDON HAYNES,
WILLIE WILSON,
DONTE EDWARDS,
ANTHONY GADSOON,
JOE POWELL,
NATASHA WOLFE,
GALEN MALAMUTE,
ANDA ALI TAYLOR.

Defendants.

Case No. 4:11-cr-0010-RRB

ORDER DENYING MOTIONS
OF DEFENDANT WILSON

Before the Court at **Docket 188** is Defendant **Willie Wilson** with a Motion to Dismiss Counts 1,2,3,5, and 6 of the Indictment due to insufficiency of evidence and vagueness. The Government filed its opposition at Docket 207 and Defendant filed a reply at Docket 223. The Magistrate Judge issued a Report and Recommendation at Docket 250 recommending denial of the motion, to which no objections were filed by Defendant Wilson. For the reasons set forth by the Magistrate Judge in his Report and Recommendation, which the Court

hereby accepts and adopts, the Motion to Dismiss at **Docket 188** is **DENIED**. It will be for the jury to determine the sufficiency of the Government's evidence. Moreover, the Indictment is sufficient to notify Defendant Wilson of the crimes for which he is charged.

At **Dockets 220** and **221** Defendant Wilson requests that Count II be severed from the remaining Counts and that Counts V, VI, and VII be severed from the remaining Counts. The Government opposes at Docket 208 and Defendant files replies at Dockets 223 and 224. Although the pleadings are somewhat confused, the Court has reviewed them all and understands the respective positions of both parties. The Magistrate Judge filed a Report and Recommendation at Docket 258 in which he recommended that the motions to sever be denied. The Court hereby accepts and adopts the aforesaid Report and Recommendation and, for the reasons set forth therein, hereby **DENIES** the Motions to Sever at **Dockets 220** and **221**. Any concerns which Defendant has with regard to prejudice can be addressed by an appropriate jury instruction which the Court invites the Defendant to submit.

The Court further notes that at **Docket 156** Defendant Powell filed a Motion to Sever which Defendant Wilson joined at **Docket 173**. The Magistrate Judge has recommended that this motion be denied for reasons similar to his recommendation with regard to the

motion Wilson filed on his own behalf. Defendant Wilson did not object to the Magistrate's recommendation. The Court hereby accepts and adopts the Report and Recommendation of the Magistrate Judge at Docket 238 and hereby **DENIES** the Motion to Join at **Docket 173** and the Motion to Sever at **Docket 156**. Under the facts and circumstances of this case the Court concludes that all of the Defendants can be adequately tried at one time with any potential prejudice resolved by appropriate jury instructions.

IT IS SO ORDERED.

ENTERED this 20th day of September, 2011.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE