

H i l l v . N o r r i s , D i r e c t o r  
IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

LESTER JOE HILL

PETITIONER

v.

CIVIL NO. 2:08-CV-02082-RTD

LARRY NORRIS, Director  
Arkansas Department of Correction

RESPONDENT

ORDER

Before the court is the Defendant's Motion in Limine to exclude the Testimony of Petitioner's Witnesses Julie Burruss and Wendy Hall (Doc. 19) filed January 15, 2009.

The Petitioner has asserted that the testimony of Ms. Wendy Hall would be that "the alleged victim told her the sex was consensual". This is not relevant testimony to the issue before the court. The court has previously granted a Motion in Limine to limit the testimony to whether the Petitioner's appellate counsel impeded his ability to file a Rule 37 against his trial counsel. The Motion in Limine as to Wendy Hall is GRANTED.

The Petitioner has asserted that Julie Burruss can testify that Melissa Sawyer "informed her that she was going to file my Rule 37". The court finds that this testimony may be relevant and the Motion in Limine as to the testimony of Julie Burruss is DENIED at this time.

IT IS SO ORDERED this January 20, 2009.

**/s/ J. Marschewski**

HONORABLE JAMES R. MARSCHEWSKI  
UNITED STATES DISTRICT JUDGE