

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 02-0053 CRB

Plaintiff,

ORDER

v.

EDWARD ROSENTHAL,

Defendant.

Defendant has filed numerous motions before the Court. The Court has reviewed the parties' memoranda and DENIES the following motions:

1. Defendant's motion to dismiss the superseding indictment or in the alternative recuse the prosecutor for grand jury misconduct;
2. Defendant's motion to recuse the prosecutor for prosecutorial misconduct;
3. Defendant's motion to dismiss for due process violations based upon the rule of lenity, lack of notice, and entrapment by estoppel;
4. Defendant's motion to dismiss for selective prosecution;
5. Defendant's motion to dismiss for undue delay; and
6. Defendant's motion to declare U.S. Attorney's appointment unconstitutional.

The Court will issue a written decision explaining the reasons for its ruling at a later date.

The Court will hear discussion of the remaining motions, namely, (1) the motion for

1 reconsideration of severance, (2) the motion to dismiss for vindictive prosecution, (3) the
2 motion for impeachment evidence, and (4) defendant's motion for Rule 404(b) evidence
3 regarding prior or subsequent bad acts, at the hearing on Friday, March 2, 2007.

4 **IT IS SO ORDERED.**

5 Dated: March 1, 2007



6 _____
7 CHARLES R. BREYER
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California