

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FILED

2009 MAR 30 PM 1: 40

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 6:08-cr-118-Orl-DDD-DAB

JUDE LACOUR,

Defendant

_____ /

MOTION TO SEVER DEFENDANTS

Comes now Pro Se Defendant, Jude Lacour, pursuant to Rule 14, Federal Rules of Criminal Procedure, and moves this Honorable Court to sever his trial from the trial of his co-defendants in the above styled case. As grounds in support thereof, the Defendant states the following:

Rule 14 authorizes a court to grant relief if a joint trial appears to prejudice one of the parties. Sufficient grounds for such severance exist where "there is a serious risk that a joint trial would compromise a specific trial right of one of the defendants, or prevent the

jury from making a reliable judgment about guilt or innocence.” *Zafiro v. United States*, 506 U.S. 534, 539 (1993). “Such a risk might occur when evidence that the jury should not consider against a defendant and that would not be admissible if a defendant were tried alone is admitted against a co-defendant.”

Defendant requests that his trial be severed from the trial of his co-Defendants in this case because they will be unduly prejudiced by Defendant's opening statement and unintended but anticipated delays in the proceeding, because the Defendant has not reviewed a single page of discovery, has not interviewed any witnesses and or had the opportunity to subpoena law enforcement entities involved in the instant case.

Joinder of the defendants in this case is prejudicial and will continue to be prejudicial during trial. As such, severance of joined defendants is necessary to avoid unfair prejudice if and when the Defendant testifies at the trial.

During trial, statements that will be attributed to co-defendants may contain information about Defendant at which time Defendant will call such party as witness to contradict those statements or cross-examine the subject. Therefore, Defendant's trial should be severed from that of other co-defendants. Each of the defendant's alleged actions and omissions differ from those of the other defendants and unfair prejudice will result because joinder of defendants will confuse the jury and make it unreasonably difficult for the jury to attribute individual actions and charges as to one defendant or the other. Moreover, Defendant will be representing himself in Pro Se and make court appearances in his assigned prison outfit and he does not wish to prejudice other co-defendants from getting or receiving a fair trial.

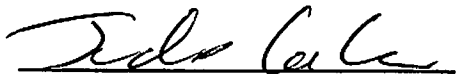
Wherefore, the Defendant respectfully moves this Honorable Court to enter an Order severing Defendant's trial from the trial of his co-defendant in the above-styled case.

I HEREBY CERTIFY that on March 26,2009, I cause the foregoing to be filed with the Clerk of the Court and Assistant U.S. Attorney by hand delivering this motion to the following entities:

**Clerk's Office, US. District Court
Middle District of Florida, Orlando Division
United States Courthouse, Suite 1200
401 West Central Boulevard
Orlando, FL 32801**

**Karen L. Gable, Assistant U.S. Attorney
501W. Church St., Ste. 300,
Orlando, FL 32801**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jude T. Lacour", written over a horizontal line.

Jude T. Lacour, Pro Se Inmate