

Law Office of Paul D. Stockler  
1309 W. 16<sup>th</sup> Avenue  
Anchorage, Alaska 99501  
(907) 277-8564 fax (907) 272-4877

1 Paul D. Stockler  
2 ABA No. 8606032  
3 Law Office of Paul D. Stockler  
4 1309 West 16th Avenue  
5 Anchorage, Alaska 99501  
6 (907) 277-8564  
7 (907) 272-4877/Facsimile  
8 E-mail: paulstockler@aol.com

9 Counsel for Thomas T. Anderson

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF ALASKA**

12 **UNITED STATES OF AMERICA,** )  
13 ) **NO.: 3:06-cr-00099 JWS**  
14 **Plaintiff,** )  
15 )  
16 **v.** )  
17 ) **DEFENDANT'S MOTION IN LIMINE**  
18 **THOMAS T. ANDERSON,** ) **REGARDING GOVERNMENT'S TRIAL**  
19 ) **EXHIBITS**  
20 **Defendant.** )  
21 )

22 COMES NOW Defendant, THOMAS T. ANDERSON, by and through  
23 counsel of record, Paul D. Stockler, and files this motion in  
24 limine. The government provided its trial exhibit list and  
25 exhibits to defendant this week. This motion seeks to exclude  
26 the government's trial exhibits 2-4 and 7-17.

The Defendant is charged by Indictment with seven felony counts. The United States' case in its simplest form is that government informant "CS-1" paid a total of \$26,000: \$24,000 to Pacific Publishing ("Lobbyist A") and \$2,000 to Anderson directly. The FBI provided the money paid by "CS-1", and each of the four payments was made by check. The dates of these payments are:

Date	Amount	Payee on Check	Given to
Aug. 19, 2004	\$8,000	Pacific Publishing	"Lobbyist A"
Oct. 22, 2004	\$8,000	Pacific Publishing	"Lobbyist A"
Dec. 21, 2004	\$8,000	Pacific Publishing	Anderson
Dec. 21, 2004	\$2,000	Tom Anderson	Anderson

The checks provided by "CS-1" were deposited in Pacific Publishing's account. Checks were written from the Pacific Publishing account to Alaska Strategic Consultants (owned by Tom Anderson) as follows:

Amount	Date of Check	Check From	Check To
\$3,328	Aug. 21, 2004	Pacific Publishing	Alaska Strategic Consultants
\$3,500	Oct. 21, 2004	Pacific Publishing	Alaska Strategic Consultants
\$4,000	Dec. 21, 2004	Pacific Publishing	Alaska Strategic Consultants

The Government claims that in exchange for the above described payments from "CS-1", Anderson explicitly agreed to take official acts for the benefit of "CS-1"'s business interests and that these acts violate Federal Criminal Laws. These government acts, which they allege are:

1. Membership on House Committees
2. Anderson's Letter to the Commissioner of Corrections
3. Anderson's Meeting with Commissioner Antrim

4. Anderson's Assistance with the "CON" Process

5. Anderson's Statements at the CON Public Hearing

Summary of Charges

Anderson is charged in the Indictment with the following offenses:

Count	Offense Charged
1	Conspiracy - Violation of 18 U.S.C. § 371
2	Interference with Commerce by Extortion Induced Under Color of Official Right - Violation of 18 U.S.C. § 1951(a) and § 2
3	Bribery Concerning Programs Receiving Federal Funds - Violation of 18 U.S.C. § 666(a)(1)(B) and § 2
4 - 6	Money Laundering - Violation of 18 U.S.C. § 1956(a)(1) and § 2
7	Interference with Commerce by Extortion Induced Under Color of Official Right - Violation of 18 U.S.C. § 1951(a) and § 2

Government's Exhibits

1. Pacific Publishing Wells Fargo Account. No. ###-###  
3874

No objections at this time.

2. Thomas Anderson / Lesil McGuire Wells Fargo Consumer  
Account Application

Exhibit 2 consists of bank documents revealing that Anderson and his wife Lesil McGuire (they were married in the Fall of 2005) opened a bank account at Wells Fargo on January 10, 2006, more than a year after the criminal acts charged. These documents have no tendency to make the existence of any

1 fact that is of consequence to the determination of the action  
2 more probable or less probable. See, Fed. R. Evid. 401. As  
3 additional bank records and credit reports are discussed below,  
4 the court will conclude that any miniscule relevance of this  
5 type of evidence is substantially outweighed by the danger of  
6 unfair prejudice and confusion of issues. See, Fed. R. Evid.  
7 403.

8 3. Thomas Anderson Wells Fargo Visa Statement for Account  
9 No. ####-####-####-6224

10 Exhibit 3 comprises Tom Anderson's monthly credit card  
11 statements from March 2003 until August 2006. Anderson's  
12 monthly account statements showing everything he charged on his  
13 credit card and his outstanding balances for three and a half  
14 years have no tendency to make the existence of any fact that is  
15 of consequence to the determination of the action more probable  
16 or less probable. See, Fed. R. Evid. 401. In addition, any  
17 miniscule relevance of this type of evidence is substantially  
18 outweighed by the danger of unfair prejudice and confusion of  
19 issues. See, Fed. R. Evid. 403.

20 4. Thomas Anderson Wells Fargo Account No. ###-### 5052

21 Exhibit 4 consists of bank documents revealing that Tom  
22 Anderson opened a personal bank account at Wells Fargo on  
23 December 11, 1999. In addition, the exhibit includes checks and  
24 deposit slips from 2003 that have nothing to do with any of the  
25

1 payments received in this case. This exhibit has no tendency to  
2 make the existence of any fact that is of consequence to the  
3 determination of the action more probable or less probable.  
4 See, Fed. R. Evid. 401. In addition, any miniscule relevance of  
5 this type of evidence is substantially outweighed by the danger  
6 of unfair prejudice and confusion of issues. See, Fed. R. Evid.  
7 403.

8 5. Alaska Strategic Consultants - Wells Fargo Account  
9 Nos. ###-### 4054 and 2603

10 No objections at this time.

11 6. No Exhibit 6 has been provided

12 7. Thomas Anderson Wells Fargo Account No. ###-### 5471

13 Exhibit 7 consists of 1,110 pages of bank documents  
14 revealing that Tom Anderson opened a personal bank account at  
15 Wells Fargo on May 23, 1999. In addition, the exhibit shows  
16 every check, debit charge, ATM withdrawal, and deposit from  
17 December 2002 until April 2006. This exhibit has no tendency to  
18 make the existence of any fact that is of consequence to the  
19 determination of the action more probable or less probable.  
20 See, Fed. R. Evid. 401. In addition, any miniscule relevance of  
21 this type of evidence is substantially outweighed by the danger  
22 of unfair prejudice and confusion of issues. See, Fed. R. Evid.  
23 403.

1           8.   Thomas Anderson / Lesil McGuire Wells Fargo Account  
2   No. ###-### 6907

3           Exhibit 8 consists of bank statements which appear to be  
4 consistent with Exhibit 2 revealing that Anderson and his wife  
5 Lesil McGuire opened a bank account (Savings) at Wells Fargo on  
6 January 10, 2006, more than a year after the criminal acts  
7 charged. This exhibit includes bank statements from January 10,  
8 2006 through September 30, 2006. These documents have no  
9 tendency to make the existence of any fact that is of  
10 consequence to the determination of the action more probable or  
11 less probable. See, Fed. R. Evid. 401. In addition, any  
12 miniscule relevance of this type of evidence is substantially  
13 outweighed by the danger of unfair prejudice and confusion of  
14 issues. See, Fed. R. Evid. 403.

15           9.   Thomas Anderson / Lesil McGuire Wells Fargo Account  
16   No. ###-### 4624

17           Apparently not bored with the subject of irrelevant banking  
18 records; Exhibit 9 consists of additional bank statements from  
19 Wells Fargo revealing that Anderson and his wife Lesil McGuire  
20 had a checking account at Wells Fargo starting on January 10,  
21 2006, more than a year after the criminal acts charged. This  
22 exhibit includes bank statements from January 10, 2006 through  
23 September 30, 2006. These documents have no tendency to make  
24 the existence of any fact that is of consequence to the  
25

1 determination of the action more probable or less probable.  
2 See, Fed. R. Evid. 401. In addition, any miniscule relevance of  
3 this type of evidence is substantially outweighed by the danger  
4 of unfair prejudice and confusion of issues. See, Fed. R. Evid.  
5 403.

6 10. Experian Credit Report - Thomas Anderson

7 Exhibit 10 is the Experian credit report of Tom Anderson  
8 from December of 2004. Anderson's credit has no tendency to  
9 make the existence of any fact that is of consequence to the  
10 determination of the action more probable or less probable.  
11 See, Fed. R. Evid. 401. In addition, any miniscule relevance of  
12 this type of evidence is substantially outweighed by the danger  
13 of unfair prejudice and confusion of issues. See, Fed. R. Evid.  
14 403.

15 11. Equifax Credit Report - Thomas Anderson

16 Exhibit 11 is the Equifax credit report of Tom Anderson  
17 from December of 2004. Anderson's credit has no tendency to  
18 make the existence of any fact that is of consequence to the  
19 determination of the action more probable or less probable.  
20 See, Fed. R. Evid. 401. In addition, any miniscule relevance of  
21 this type of evidence is substantially outweighed by the danger  
22 of unfair prejudice and confusion of issues. See, Fed. R. Evid.  
23 403. In addition, exhibit 11 is cumulative of exhibit 10.

24 12. Transunion Credit Report - Thomas Anderson

1 Exhibit 12 is the Transunion credit report of Tom Anderson  
2 from December of 2004. Anderson's credit has no tendency to  
3 make the existence of any fact that is of consequence to the  
4 determination of the action more probable or less probable.  
5 See, Fed. R. Evid. 401. In addition, any miniscule relevance of  
6 this type of evidence is substantially outweighed by the danger  
7 of unfair prejudice and confusion of issues. See, Fed. R. Evid.  
8 403. In addition, exhibit 12 is cumulative of exhibits 10 and  
9 11.

10 13. Anderson - IRS Tax Return - 2000

11 Exhibit 13 is Tom Anderson's 2000 tax return. This is  
12 three years before he first served in the House of  
13 Representatives and four years before he accepted \$12,828 which  
14 the government contends comprises seven felony charges in 2004.  
15 Anderson's 2000 tax return has no tendency to make the existence  
16 of any fact that is of consequence to the determination of the  
17 action more probable or less probable. See, Fed. R. Evid. 401.  
18 In addition, any miniscule relevance of this type of evidence is  
19 substantially outweighed by the danger of unfair prejudice and  
20 confusion of issues. See, Fed. R. Evid. 403.

21 14. Anderson - IRS Tax Return -2001

22 Exhibit 14 is Tom Anderson's 2001 tax return. This is two  
23 years before he first served in the House of Representatives and  
24 three years before he accepted \$12,828 which the government  
25

1 contends comprises seven felony charges in 2004. Anderson's  
2 2001 tax return has no tendency to make the existence of any  
3 fact that is of consequence to the determination of the action  
4 more probable or less probable. See, Fed. R. Evid. 401. In  
5 addition, any miniscule relevance of this type of evidence is  
6 substantially outweighed by the danger of unfair prejudice and  
7 confusion of issues. See, Fed. R. Evid. 403.

8 15. Anderson - IRS Tax Return -2002

9 Exhibit 15 is Tom Anderson's 2002 tax return. This is the  
10 year before he first served in the House of Representatives and  
11 two years before he accepted \$12,828 which the government  
12 contends comprises seven felony charges in 2004. Anderson's  
13 2002 tax return has no tendency to make the existence of any  
14 fact that is of consequence to the determination of the action  
15 more probable or less probable. See, Fed. R. Evid. 401. In  
16 addition, any miniscule relevance of this type of evidence is  
17 substantially outweighed by the danger of unfair prejudice and  
18 confusion of issues. See, Fed. R. Evid. 403.

19 16. Anderson - IRS Tax Return -2003

20 Exhibit 16 is Tom Anderson's 2003 tax return. This is the  
21 year he first served in the House of Representatives and the  
22 year before he accepted \$12,828 which the government contends  
23 comprises seven felony charges in 2004. Anderson's 2003 tax  
24 return has no tendency to make the existence of any fact that is  
25

1 of consequence to the determination of the action more probable  
2 or less probable. See, Fed. R. Evid. 401. In addition, any  
3 miniscule relevance of this type of evidence is substantially  
4 outweighed by the danger of unfair prejudice and confusion of  
5 issues. See, Fed. R. Evid. 403.

6 17. Anderson - IRS Tax Return -2004

7 Exhibit 17 is Tom Anderson's 2004 tax return. This is the  
8 year he accepted \$12,828 (which is a fact not in dispute) which  
9 the government contends comprises seven felony charges in 2004.  
10 Anderson's 2004 tax return has no tendency to make the existence  
11 of any fact that is of consequence to the determination of the  
12 action more probable or less probable. See, Fed. R. Evid. 401.  
13 In addition, any miniscule relevance of this type of evidence is  
14 substantially outweighed by the danger of unfair prejudice and  
15 confusion of issues. See, Fed. R. Evid. 403.

16 18. Alaska Strategic Consultants - Application for  
17 Reservation / Registration of Trade Name and Business License

18 No objections at this time.

19 19. Pacific Publishing Business License

20 No objections at this time.

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DATED this 21st day of June, 2007 at Anchorage, Alaska.

LAW OFFICE OF PAUL D. STOCKLER  
Counsel for Thomas T. Anderson  
By: s/ Paul D. Stockler

1309 W. 16th Avenue  
Anchorage, Alaska 99501  
Phone: (907) 277-8564  
Fax: (907) 272-4877  
E-mail: paulstockler@aol.com  
Alaska Bar No.: 8606032

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of June, 2007, a true and correct copy of the foregoing document was served electronically on the following:

Joseph W. Bottini, Assistant U.S. Attorney  
James A. Goeke, Assistant U.S. Attorney  
William M. Welch II, Chief, Public Integrity Section  
Nicholas A. Marsh, Trial Attorney, Public Integrity Section  
Edward P. Sullivan, Trial Attorney, Public Integrity Section

s/ Paul D. Stockler