UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA	:	**Case No. 3:22cr33 (MPS)**
	:	
v.	:	
	:	
MICHAEL DIMASSA and	:	
JOHN TRASACCO	:	**October 4, 2022**

GOVERNMENT'S MOTION FOR AN OPENING STATEMENT

The Government submits this memorandum for opening statements of no more than 15 minutes for each party.

As the Court knows, whether to permit "[a]n opening statement is a matter for the discretion of the court." *United States v. Young & Rubicam, Inc.*, 741 F. Supp. 334, 352 (D. Conn 1990); *see also United States v. Salovitz*, 701 F.2d 17, 20 (2d Cir. 1983). Here, as in any trial, opening statements would provide the jury with a "table of contents" or a "road map" that succinctly sets forth each party's view of the evidence, the witnesses to be called, the charges against the defendants, and the defenses (if any) that they should keep in mind throughout the presentation of the evidence. *See United States v. Dinitz*, 424 U.S. 600, 612 (1976) (purposes of an opening statement are "to state what evidence will be presented, to make it easier for the jurors to understand what is to follow, and to relate parts of the evidence and testimony to the whole . . . .") (Burger, C.J., concurring).

Here, in a white collar case involving fraud from a municipality, opening statements would be particularly useful to the jury and to an efficient trial. There are several different types of evidence including bank records, municipal records, and witness testimony. Launching directly into the narrative of this case with no

roadmap of the evidence to come would present an entirely unnecessary challenge for the jury in understanding the importance of each piece of evidence from the beginning of the trial. A carefully delivered, non-argumentative opening would allow the parties to provide an overview of the anticipated evidence, the charges, and how the evidence will fit into the different aspects of proving or defending the case. It would increase the jury's understanding of the evidence, and better the likelihood that the jury will appreciate the witness's testimony as it is given (rather than requiring time-consuming readback later on). Accordingly, the Government requests that the Court exercise its discretion to permit the parties brief opening statements.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/
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