



NOW COMES Defendant David Mehaffie, by and through his counsel of record, William L. Shipley, Esp., and respectfully request this Honorable Court issue an *in limine* Order precluding the Government from referencing or seeking to introduce evidence in the form of testimony or exhibits with respect to “prior bad act” evidence allegedly committed by Mr. Mehaffie.

Federal Rule of Evidence 404(b)(1) provides that “[e]vidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith.” Michelson v. United States, 335 U.S. 469, 475–76, 69 S.Ct. 213, 218–19, 93 L.Ed. 168 (1948).

Under Rule 404(b)(2), the Government may seek to introduce such evidence for some other purpose in a criminal case, but only after providing appropriate “notice” as specified under Rule 404(b)(3).

The Government has provided discovery of a prior arrest and prosecution of Mr. Mehaffie in 1998. The prosecution resulted in a hung jury, and there was no retrial.

The Government has not provided “notice” as required under Rule 404(b)(3) of an intention to use any evidence related to the 1998 matter – it has only provided material related to that matter in discovery.

If the Government provides Notice required under the Rule prior to the start of trial, Defendant Mehaffie requests a hearing outside the presence of the jury in order to object to the admission of any evidence related to the 1998 matter, and requests an Order from this Court prohibiting any reference to that matter by the Government pending the outcome of such hearing.

Dated: June 4, 2022

Respectfully submitted,

/s/ William L. Shipley  
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**CERTIFICATE OF SERVICE**

I, William L. Shipley, hereby certify that on this day, June 4, 2022, I caused a copy of the foregoing document to be served on all counsel through the Court's CM/ECF case filing system.

/s/ William L. Shipley  
William L. Shipley, Jr., Esq.