

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

Case No.: 21-cr-40-7 (TNM)

DAVID MEHAFFIE,

Defendant.

**GOVERNMENT RESPONSE TO DEFENDANT’S MOTION IN *LIMINE* TO
PRECLUDE POTENTIAL 404(b) EVIDENCE**

The United States of America now responds to defendant David Mehaffie’s Motion in *Limine* to preclude Potential 404(b) Evidence. ECF No. 330. In the course of discovery for this matter, the government provided notice of a 1998 arrest and trial involving the defendant. The government does not intend to elicit any evidence regarding this charge, given its age and failure to result in an impeachable conviction. *See* Fed. R. Evid. 609(b). Therefore, the government does not object to the exclusion of this evidence during its case-in-chief or for impeachment purpose under Rule 609.

Nevertheless, the United States objects to the exclusion of this 1998 arrest, trial, and the factual circumstances surrounding the case, should the defendant open the door for cross examination or rebuttal evidence. Should the defendant testify, the United States is permitted on cross examination to inquire into matters related to the “subject matter of the direct examination” and “matters affecting the witness’s credibility.” Fed. R. Evid. 611(b).

Dated: July 1, 2022.

