

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA)
)
) CR-09-140-B-W
)
v.)
)
DAVID G. YOUNG)

ORDER ON DEFENDANT’S SECOND MOTION *IN LIMINE*

On April 8, 2010, David G. Young moved *in limine* to exclude expected testimony from the Defendant’s ex-wife’s brothers, Charles Jerram and William Jerram. *Def.’s Second Mot. in Limine: to Exclude Evidence Concerning Mary Margaret Jerram’s Family Relations* (Docket # 83). Mr. Young says that the Government is going to present their testimony to establish: 1) their knowledge that there were no further Office of Personnel Management (OPM) payments to be made after their mother’s death; 2) that Mr. Young never told them about the ongoing payments; and, 3) that if there had been ongoing annuity payments, they as their parents’ heirs would have been entitled to a share. *Id.* at 1.

At this point, the Court is unclear about the exact contours of the defense. However, if Mr. Young’s defense is that he thought his wife (now ex-wife) was entitled to receive continuing payments from the OPM because the OPM was paying some kind of “refund option,” *see Def.’s Resp. to Evidentiary Issues Raised in Gov’t’s Trial Brief: Rule of Completeness*, Ex. B, and if it turns out his ex-wife was not the sole potential beneficiary of such an annuity, the proposed testimony of her brothers is relevant and “its probative value is not substantially outweighed by the danger of unfair prejudice.” Fed. R. Evid. 403. The Defendant is free to explore on cross-examination questions of bias, improper motive, or the other issues identified in his motion.

The Court DENIES the Defendant's Second Motion *in Limine*: To Exclude Evidence Concerning Mary Margaret Jerram's Family Relations (Docket # 83).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 9th day of April, 2010

Defendant (1)

DAVID G YOUNG

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