

1 Mark J. Geragos (SBN 108325)  
Tina Glandian (SBN 251614)  
2 Setara Qassim (SBN 283552)  
GERAGOS & GERAGOS APC  
3 644 South Figueroa Street  
Los Angeles, CA 90017-3411  
4 Telephone: (213) 625-3900  
Facsimile: (213) 232-3255  
5

6 Angela M. Machala (SBN: 224496)  
AMachala@winston.com  
WINSTON & STRAWN LLP  
7 333 S. Grand Avenue, 38<sup>th</sup> Fl.  
Los Angeles, CA 90071-1543  
8 Telephone: (213) 615-1700  
Facsimile: (213) 615-1750  
9

10 Abbe David Lowell (*admitted pro hac vice*)  
AbbeLowellPublicOutreach@winston.com  
Christopher D. Man  
11 CMan@winston.com  
WINSTON & STRAWN LLP  
12 1901 L Street NW  
Washington, DC 20036-3508  
13 Telephone: (202) 282-5000  
Facsimile: (202) 282-5100  
14

*Attorneys for Robert Hunter Biden*

15  
16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 UNITED STATES

19 Plaintiff,

20 vs.

21 ROBERT HUNTER BIDEN,

22 Defendant.  
23  
24  
25  
26  
27  
28

**Case No. 2:23-cr-00599-MCS**

*Hon. Mark C. Scarsi*

**MR. BIDEN’S FOURTH MOTION  
IN LIMINE TO EXCLUDE  
REFERENCE TO ALLEGED  
IMPROPER POLITICAL  
INFLUENCE AND/OR  
CORRUPTION**

Hearing Date: August 21, 2024

Hearing Time: 1:00 p.m.

Courtroom: 7C

1 Defendant Robert Hunter Biden, by and through his counsel of record, hereby  
2 files this Motion *in Limine* to exclude from trial reference to any allegation that Mr.  
3 Biden (1) acted on behalf of a foreign principal to influence U.S. policy and public  
4 opinion, (2) violated FARA, (3) improperly coordinated with the Obama  
5 Administration, (4) received direct compensation from any foreign state, (5) received  
6 compensation for actions taken by his father that impacted national or international  
7 politics, or (6) funneled money to his father or any related alleged corruption (together,  
8 allegations of “improper political influence and/or corruption”). This evidence should  
9 clearly be excluded under the Federal Rules of Evidence 403 balancing test, as the risk  
10 of unfair prejudice is significantly outweighed by any marginal probative value. On  
11 May 17, 2024, Mr. Biden’s counsel asked for the Special Counsel’s position on this  
12 proposed motion *in limine*. On May 20, 2024, the Special Counsel indicated that he  
13 opposes this motion.  
14  
15  
16

17 Dated: July 31, 2024

Respectfully submitted,

18 /s/ Angela M. Machala  
19 Angela M. Machala

20 /s/ Mark Geragos  
21 Mark J. Geragos  
22 Tina Glandian  
23 Setara Qassim

24 Abbe David Lowell  
25 Christopher D. Man

26 *Attorneys for Robert Hunter Biden*  
27  
28

**MEMORANDUM OF POINTS AND AUTHORITIES**

1  
2 Defendant Robert Hunter Biden, by and through his counsel of record, hereby  
3 files this Motion *in Limine* to exclude reference to allegations that Mr. Biden (1) acted  
4 on behalf of a foreign principal to influence U.S. policy and public opinion, (2)  
5 violated FARA, (3) improperly coordinated with the Obama Administration, (4)  
6 received direct compensation from any foreign state, (5) received compensation for  
7 actions taken by his father that impacted national or international politics, or (6)  
8 funneled money to his father or any related alleged corruption (together, improper  
9 political influence and/or corruption”).

10 For years, Mr. Biden has been the target of politically motivated attacks and  
11 conspiracy theories related to the allegations above. These baseless claims are the  
12 subject of widespread dissemination and discussion among a certain portion of the  
13 electorate, frequent media attention, and congressional inquiries. Mr. Biden is not,  
14 and never has been, charged with any crime relating to these unfounded allegations,  
15 and the Special Counsel should thus be precluded from even raising such issues at  
16 trial.

17 **I. ARGUMENT**

18 Any evidence or testimony related to allegations of Mr. Biden’s supposed  
19 improper political influence and/or corruption is not relevant, and thus is inadmissible.  
20 Fed. R. Evid. 401, 402; *see United States v. Vallejo*, 237 F.3d 1008, 1015 (9th Cir.  
21 2001). Specifically, none of the crimes he is charged with have anything to do with  
22 allegations that Mr. Biden (1) acted on behalf of a foreign principal to influence U.S.  
23 policy and public opinion, (2) violated FARA, (3) improperly coordinated with the  
24 Obama Administration, (4) received direct compensation from any foreign state, (5)  
25 received compensation for actions taken by his father that impacted national or  
26 international politics, or (6) funneled money to his father or any related alleged  
27 corruption. For example, as to Counts One, Two, Three, Four, Five and Nine, the  
28 government must prove that Mr. Biden willfully failed to file or pay taxes owed. 26

1 U.S.C. § 7203. For Count Six, the government must prove that Mr. Biden knew he  
2 owed more tax for the calendar year 2018 than was declared due on his tax return, and  
3 that he took some affirmative act to evade or defeat such additional tax. With regard  
4 to Counts 7 and 8, the government must prove that Mr. Biden willfully filed a false  
5 and fraudulent tax return for the calendar year 2018. None of these alleged crimes  
6 involve evidence or testimony relating to conspiracy theories about Mr. Biden's  
7 supposed improper political influence and/or corruption, and such evidence or  
8 testimony is wholly irrelevant in this case.

9 Even if the Court finds reference to improper political influence and/or to  
10 somehow be relevant, the probative value of these unsubstantiated claims is dwarfed  
11 by the risk of unfair prejudice, confusing the issues, and misleading the jury. Fed. R.  
12 Evid. 403; *see United States v. Hitt*, 981 F.2d 422, 424 (9th Cir. 1992) (“Where the  
13 evidence is of very slight (if any) probative value, it’s an abuse of discretion to admit  
14 it if there’s even a modest likelihood of unfair prejudice or a small risk of misleading  
15 the jury.”). The likelihood of unfair prejudice is substantially increased because of the  
16 salacious and politically charged nature of the subject matter. *See United States v.*  
17 *Figueroa-Juarez*, 2023 WL 8053742, at \*1 (9th Cir. Nov. 21, 2023) (district court did  
18 not abuse discretion by excluding government report because “the court reasonably  
19 found that admission would pose a significant risk of prejudice because it could have  
20 led jurors to make decisions based on their view of the immigration system, rather  
21 than the trial evidence.”).

22 Further, evidence and testimony relating to improper political influence and/or  
23 corruption pose significant risk of confusing the issues, misleading the jury, and  
24 wasting time. Fed. R. Evid. 403; *United States v. Hitt*, 981 F.2d 422, 424 (9th Cir.  
25 1992) (“Where the evidence is of very slight (if any) probative value, it’s an abuse of  
26 discretion to admit it if there’s even a modest likelihood of unfair prejudice or a small  
27 risk of misleading the jury.”). Although the Special Counsel’s filed exhibit list (DE  
28

1 88) contains upwards of forty descriptions that are totally insufficient to identify what  
2 document is being referred to (*see, e.g.*, “Text Messages” (#073), “Notes” (#318)), it  
3 is clear that many exhibits the Special Counsel intends to introduce relate to  
4 allegations of improper political influence and/or corruption that are wholly outside of  
5 the scope of the Indictment. *See, e.g.*, “Email from Eric Schwerin to Antony Blinken  
6 re: My Remarks In Latvia” (GX-267), “Email from Eric Schwerin to Sally Painter re:  
7 Amos Hochstein” (GX-262). Allowing in evidence or testimony related to the  
8 unsubstantiated claims of improper political influence and/or corruption run a real risk  
9 of the jury convicting Mr. Biden based on facts and allegations outside of the  
10 Indictment.

11 Defense counsel notes that it is ironic that the Special Counsel has filed a  
12 motion *in limine* to exclude evidence “alleging the prosecution of the defendant is  
13 somehow due to or part of a Russian malign election influence campaign,” which Mr.  
14 Biden did not object to. (DE 92 at 4.) Yet, the Special Counsel opposes the instant  
15 motion, which would preclude him from putting forward similar politically charged  
16 information to the jury. To prevent this trial from becoming a trial on politics rather  
17 than a trial on the charges in the Indictment, this Court should grant both the Special  
18 Counsel’s motion as it relates to a “Russian malign election influence campaign” and  
19 this Motion.

20 Accordingly, Mr. Biden respectfully moves this Court to exclude any evidence  
21 and testimony relating to allegations of improper political influence and/or corruption  
22 discussed herein

23  
24 Date: July 31, 2024

Respectfully submitted,

25  
26 By: /s/ Angela M. Machala

27 Angela Machala (SBN: 224496)

[AMachala@winston.com](mailto:AMachala@winston.com)

28 WINSTON & STRAWN LLP

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

333 South Grand Avenue  
Los Angeles, CA 90071  
Tel.: (213) 615-1924  
Fax: (213) 615-1750

Abbe David Lowell (*admitted pro hac vice*)  
Christopher D. Man  
WINSTON & STRAWN LLP  
1901 L Street NW  
Washington, DC 20036  
Tel.: (202) 282-5000  
Fax: (202) 282-5100  
[AbbeLowellPublicOutreach@winston.com](mailto:AbbeLowellPublicOutreach@winston.com)  
[CMan@winston.com](mailto:CMan@winston.com)

Mark J. Geragos  
Tina Glandian  
Setara Qassim  
GERAGOS & GERAGOS, APC  
644 S. Figueroa Street  
Los Angeles, CA 90017-3411  
Telephone: (213) 625-3900  
Facsimile: (213) 232-3255

*Attorneys for Robert Hunter Biden*