

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

_____	)	
UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal Action No. 1:23-cr-00061-MN
	)	
ROBERT HUNTER BIDEN,	)	
	)	
Defendant.	)	
	)	
_____	)	

**MR. BIDEN’S MOTION *IN LIMINE* TO EXCLUDE REFERENCE TO THE CHILD  
SUPPORT PROCEEDINGS IN ARKANSAS AND MOTION *IN LIMINE* TO EXCLUDE  
REFERENCE TO MR. BIDEN’S DISCHARGE FROM THE NAVY (MIL #2)**

Abbe David Lowell  
Christopher D. Man  
WINSTON & STRAWN  
1901 L Street NW  
Washington, DC 20036  
Tel.: (202) 282-5000  
Fax: (202) 282-5100  
AbbeLowellPublicOutreach@winston.com

Bartholomew J. Dalton (#808)  
DALTON & ASSOCIATES, P.A.  
1106 West 10th Street  
Wilmington, DE 19806  
Tel.: (302) 652-2050  
BDalton@dalton.law

*Counsel for Robert Hunter Biden*

## INTRODUCTION

Mr. Biden moves to exclude any argument, reference, or questioning at trial regarding (1) the child support proceedings in Arkansas involving Lunden Roberts, and (2) Mr. Biden's administrative discharge from the Navy in 2014. Because neither of these issues would be relevant to the instant firearm charges in this prosecution, pose a danger of unfair prejudice beyond any probative value, and risk misleading the jury or confusing the issues, the Special Counsel should be excluded from raising them at trial.

## ARGUMENT

### I. MOTION TO EXCLUDE REFERENCE TO THE ARKANSAS PROCEEDINGS

Mr. Biden moves to exclude any reference to the child support proceedings that occurred in Arkansas (*Roberts v. Biden*, Case No. 32DR-19-187-2 (Independence Cnty. Cir. Ct., Ark.)). During the parties' call on May 10, 2024, the Special Counsel indicated that it would get back to defense counsel (which has not yet occurred), and that the topic could arise if Mr. Biden testifies in this case, but was unlikely to arise in the government's case-in-chief. Notwithstanding, even should Mr. Biden testify, there could be no relevance at all to the issue of his child support case under Federal Rule of Evidence 401, let alone relevance beyond the prejudicial value of raising the Arkansas proceedings or the issue of child support under Federal Rule of Evidence 403. *United States v. Scarfo*, 850 F.2d 1015, 1019 (3d Cir. 1988) (under Rule 403, "trial judge must appraise the genuine need for the challenged evidence and balance the necessity against the risk that the information will influence the jury to convict on improper grounds"). Here, where raising this issue would pose a danger of unfair prejudice beyond any probative value, and risk misleading the jury or confusing the issues, the Special Counsel should be precluded from raising it at trial under any scenario.

## II. MOTION TO EXCLUDE REFERENCE TO MR. BIDEN'S DISCHARGE FROM THE NAVY IN 2014

Mr. Biden also moves to exclude any questioning or reference about his administrative discharge from the Navy in 2014. During the parties' call on May 10, 2024, the Special Counsel stated that it would not reference the topic in its case-in-chief, unless Mr. Biden testifies in this case or opens the door to it. Even then, it is not clear how the topic would be relevant to the firearm charges in this prosecution, or how its probative value would outweigh its highly prejudicial effect. *See United States v. Schwartz*, 790 F.2d 1059, 1062 (3d Cir. 1986) (evidence of defendant's other crimes should have been excluded because "its relevance was marginal at best, and the prejudice to the defendant was very great"). Either way, the Court would be able to make that determination on the merits when or if the testimony occurs. As to its case-in-chief, the Special Counsel should be precluded from raising the issue given its unfair prejudice to Mr. Biden beyond any probative value in this case.

### CONCLUSION

For the foregoing reasons, Mr. Biden respectfully requests that the Court exclude any reference at trial to (1) Mr. Biden's child support proceedings in Arkansas, and (2) Mr. Biden's discharge from the Navy in 2014.

Dated: May 20, 2024

Bartholomew J. Dalton (#808)  
DALTON & ASSOCIATES, P.A.  
1106 West 10th Street  
Wilmington, DE 19806  
Tel.: (302) 652-2050  
BDalton@dalton.law

Respectfully submitted,

/s/ Abbe David Lowell  
Abbe David Lowell  
Christopher D. Man  
WINSTON & STRAWN  
1901 L Street NW  
Washington, D.C. 20036  
Tel.: (202) 282-5000  
Fax: (202) 282-5100  
AbbeLowellPublicOutreach@winston.com  
CMan@winston.com

*Counsel for Robert Hunter Biden*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of May, 2024, I filed the foregoing Motion *in Limine* with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Abbe David Lowell  
Abbe David Lowell

*Counsel for Robert Hunter Biden*