

**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 ANY STATEMENTS HE MADE
AT THE JULY 26, 2023 HEARING IN THIS MATTER (MIL #3)**

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Mr. Biden moves to exclude any argument, reference, or questioning at trial regarding any statement Mr. Biden made at or around the July 26, 2023 hearing in this matter. Such statements as part of a plea colloquy or negotiations—that do not result in a guilty plea or that result in a plea that is later withdrawn—are plainly inadmissible under Federal Rule of Criminal Procedure 11(f) and Federal Rule of Evidence 410(a). *United States v. Ventura-Cruel*, 356 F.3d 55, 63–64 (1st Cir. 2003) (defendant’s statements made in reliance on plea that was later withdrawn inadmissible at trial); *United States v. Simmons*, 164 F.3d 76, 79 (2d Cir. 1998) (defendant’s statements during non-foreclosed plea agreement that are later withdrawn are inadmissible at trial); *United States v. Sayakhom*, 186 F.3d 928, 935–36 (9th Cir. 1999) (statements made during plea negotiations inadmissible), *amended by* 197 F.3d 959 (9th Cir. 1999). During the parties’ May 10, 2024 discussion, the Special Counsel stated that it agreed not to use or introduce such statements from the hearing. Accordingly, Mr. Biden respectfully requests that the Court exclude reference to or admission of any statements made at the July 26, 2023 hearing in this matter.

Dated: May 20, 2024

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Respectfully submitted,

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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