

**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 RESPONSE TO THE SPECIAL COUNSEL’S MOTION *IN LIMINE* TO
EXCLUDE EVIDENCE OF ABSENCE OF CRIMINAL CHARGES BY DELAWARE
STATE AUTHORITIES (MIL #4)**

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The Special Counsel moves to exclude evidence or questioning regarding the fact that Mr. Biden was not charged with state law crimes by Delaware state authorities. (D.E.121 (“Mot.”) at 1.) Mr. Biden does not oppose the government’s motion *in limine* to preclude such references.

Notwithstanding, in an abundance of clarity, defense counsel notes that both parties may still seek the admission of, or ask questioning concerning, the Delaware State Police incident report (Ex. 1 to the Mot.), so long as the appropriate redactions are made to any statements regarding non-prosecution and closing of the case on the last page. (*Id.* at 12.) Moreover, defense counsel would not be precluded from arguing that all the relevant events took place in 2018 and prosecutors did not bring any charges against Mr. Biden until five years later.

Dated: May 20, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of May, 2024, I filed the foregoing Response 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