

**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 ALLEGED DEFECTS IN THE INSTITUTION OF THE PROSECUTION
OF THIS MATTER (MIL #5)**

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The Special Counsel seeks to exclude argument and questioning of any witness related to (1) claims raised in motions practice of a vindictive and selective prosecution (D.E. 63); (2) the frequency of firearm charges being brought in the indictment; and (3) any reference to the prosecution being due to or part of a Russian malign influence campaign. (D.E.122 (“Mot.”) at 1.) As Mr. Biden’s counsel informed the Special Counsel on May 10, 2024, he has no intention of arguing or questioning on those enumerated topics. Mr. Biden’s counsel did, however, explain that a question about a witness’s experience, competence, or bias could include whether that witness has ever investigated, worked on, or testified in a case such as the one being tried, or whether a witness has previously made or written an extrajudicial statement that would include a reference to bringing these charges or other gun charges.

For the foregoing reasons, Mr. Biden does not oppose the Special Counsel’s motion *in limine*, but respectfully reserves the right to question a witness’s experience, competency, or bias at trial as explained above.

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 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