

**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 REFERENCE TO POTENTIAL PUNISHMENT, PLEA NEGOTIATIONS, THE DIVERSION AGREEMENT, OR THE JULY 26, 2023 HEARING (MIL #8)

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The Special Counsel moves to exclude argument and questioning of any witness related to Mr. Biden’s potential punishment, resolution negotiations, the diversion agreement, and the July 26, 2023 hearing in this Court. (D.E.125 (“Mot.”) at 1.) As Mr. Biden’s counsel informed the Special Counsel on May 10, 2024, it agreed with this, except in the case where the government opens the door to such a line of questioning, or should Mr. Biden testify in this case.¹ Mr. Biden reserves the ability to revisit this issue should Mr. Biden testify in this case and the Special Counsel asks him questions about statements he made on July 26, 2023.

For the foregoing reasons, Mr. Biden does not oppose the Special Counsel’s motion *in limine*, but respectfully reserves the right to probe such matters only if the government opens the door to such questioning, or should Mr. Biden testify in this case.

Dated: May 20, 2024

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Respectfully submitted,

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¹ Defense counsel asked, for example, if the Special Counsel intended to seek the admission of any of Mr. Biden’s statements from the July 26, 2023 hearing. While indicating that it would not seek the admission of such statements, and that such statements would be impermissible under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410, the prosecutors said that such statements might be raised if Mr. Biden testified in this case.

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