

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

MARILYN MOSBY,

Defendant.

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CRIMINAL NO. LKG-22-007

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**GOVERNMENT’S MOTION TO CROSS EXAMINE DEFENDANT’S  
WITNESS ON HIS PRIOR PERJURY**

The law is clear that perjury on tax returns is an “archetype” of credibility evidence admissible under Rule 608 and 403 in cross examination of witnesses. The Government should be allowed to cross-examine the defendant regarding the perjury he committed on his jointly-filed tax returns, which he testified he alone prepare. All the more so, the Government should be able to cross-examine Mr. Mosby on the tax returns he filed by himself, which show similar perjury. If the Court excludes this evidence as well, the Government should at least be entitled at a minimum to argue at closing from the evidence in the record that Mr. Mosby previously committed perjury on his taxes and is not credible.

When a witness takes the stand, “his credibility bec[o]mes subject to attach. *United States v. Zandi*, 769 F.2<sup>nd</sup> 229, 236 (4<sup>th</sup> Cir. 1985). In *Zandi*, the government sought to impeach the witness by proving he had given false information on “an employment application, visa card application (*not yet mailed*), lease, credit agency application, bank loan application form, and tax forms. *Id* (emphasis added). The Court allowed such cross examination, holding that “the cross-examination [of the defendant] bore on a relevant matter, i.e. his credibility, and was entirely appropriate.” *Id*.



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this day, a copy of the foregoing motion was electronically filed via CM/ECF which provides notice to counsel of record.

\_\_\_\_\_/s/  
Aaron S.J. Zelinsky  
Assistant United States Attorney