

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,            )  
  )  
  Plaintiff,            )  
  )  
vs.    ) Case No. 09-00112-01-CR-W-ODS  
  )  
CLIFTON D. TAYLOR,                    )  
  )  
  Defendant.            )

**MOTION IN LIMINE**

Comes now the defendant, Clifton D. Taylor, by and through counsel, Travis D. Poindexter, Assistant Federal Public Defender, and respectfully moves this Court for an order prohibiting the government and/or government witnesses from mentioning or introducing through testimony or information of the following:

- ▶ That Mr. Taylor allegedly consumed portions of written notes during an interview with law enforcement officers.
- ▶ That Mr. Taylor allegedly consumed portions of a drinking cup provided during an interview with law enforcement officers.
- ▶ Any information relating to prior convictions or outstanding warrants against Mr. Taylor.

**The grounds for defendant's motion are as follows:**

1. Defendant was charged by Indictment with bank robbery in violation of 18 U.S.C. § 2113(a), for an offense occurring on March 12, 2009.
2. With regard to each of the abovementioned points, any testimony and evidence would be irrelevant and immaterial to defendant's case and, therefore, inadmissible under Federal Rules of

Evidence 401 and 402.

3. Even if any of the abovementioned points were determined to be relevant, their introduction at trial would still be inadmissible under Federal Rule of Evidence 403 as any probative value would be substantially outweighed by the danger of unfair prejudice.

4. As to prior convictions, the only prior felony conviction involved possession of a controlled substance on June 15, 1992. Mr. Taylor completed his sentence for this offense on September 19, 1998. Pursuant to Federal Rule of Evidence 609(b), evidence of a conviction is generally not admissible if a period of more than ten years has elapsed since the date of the conviction or release from confinement.

5. Any ordinary objection made by defendant during the course of trial to the presentation of such testimony, even if sustained with proper instructions to the jury, could not remove the prejudicial effect of such evidence and testimony once it had been presented to the jury.

WHEREFORE, defendant respectfully requests this Court enter an order in limine prohibiting the government or any government witness from mentioning or introducing testimony regarding the abovementioned inadmissible evidence.

Respectfully submitted,

/s/ Travis D. Poindexter  
TRAVIS D. POINDEXTER  
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**CERTIFICATE OF SERVICE**

In accordance with Rule 49(a), (b) and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ. P., it is hereby CERTIFIED that a copy of the foregoing "Witness List" was electronically delivered to Leena Ramana, Special Assistant U.S. Attorney, Western District of Missouri, 400 E. 9<sup>th</sup> Street, 5<sup>th</sup> Floor, Kansas City, Missouri, 64106 on this 18<sup>th</sup> day of December, 2009.

*/s/ Travis D. Poindexter*  
TRAVIS D. POINDEXTER