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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHELE FIORE,

Defendant.

Case No. 2:24-cr-0155-JAD-DJA

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE GOVERNMENT'S REFERENCES AND/OR INCLUSION OF ALYN BECK'S FAMILY AND/OR WIDOW TO TESTIFY IN THIS CASE

This Motion is filed timely.

I. INTRODUCTION

Nicole Beck, widow of fallen Metro police officer Alyn Beck, was served a subpoena to testify in the above referenced case.

II. ARGUMENT

1. Rule 403 prohibits the introduction of this evidence.

Even if the evidence satisfies Rule 404(b), this Court must still "decide whether the probative value is substantially outweighed by the prejudicial impact under Rule 403."[1] Rule 403 plays an "important role" in this context.[2] Other acts evidence carries "the inherent potential" for a jury "to see the defendant simply as a bad person and then to convict because of who he is rather

[1] *United States v. Romero*, 282 F.3d 683, 688 (9th Cir. 2002).

[2] *United States v. Wells*, 879 F.3d 900, 924 (9th Cir. 2018).

than what he did."[3] Thus, a stringent Rule 403 inquiry is of "critical importance" in protecting "a defendant's right to a fair trial."[4] This stricter test demands that "where the evidence is of very slight (if any) probative value, it's an abuse of discretion to admit it if there's even a modest likelihood of unfair prejudice or a small risk of misleading the jury."[5] There is a significant risk of unfair prejudice here.

The inclusion of a person who does not have personal information regarding the purchase or fundraising of a statue in honor of her husband offers no value to a jury regarding the Government's charges against Michele Fiore. The Government's insistence in including fallen officer Alyn Beck's widow amounts to nothing more than to inflame both the public as well as the jury against Ms. Fiore. The Government has already noticed witnesses who can testify as to the purpose of the statue in question, without invoking the predictable emotional response of a widow. Plus to include the widow would be an unnecessary and cruel means to her and her family personally.

As a result, the defense believes under FRCP 403 that any information gathered from the widow of fallen officer Alyn Beck can be gathered from other sources during the trial, and that her inclusion only is for inciting emotional reaction from the jury, and therefore asks this Court to exclude her testimony in this case.

III. CONCLUSION

For these reasons, this Court should prohibit the government from introducing the referenced other acts evidence.

Dated: September 3, 2024.

By: _____
Michael Sanft, Esq.

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[3] *Curtin*, 489 F.3d at 957.

[4] *Id.*

[5] *Preston*, 873 F.3d at 841.