

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
at COVINGTON**

CRIMINAL ACTION NO. 11-70-DCR

UNITED STATES OF AMERICA

PLAINTIFF

**V. DEFENDANT’S MOTION IN LIMINE EXCLUDING THE USE OF
EVIDENCE OF A WITNESS’S RELIGIOUS BELIEFS OR OPINIONS TO
ATTACK OR SUPPORT A WITNESS’S CREDIBILITY**

RONALD E. WEINLAND

DEFENDANT

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May it please the Court, Defendant Ronald E. Weinland, through undersigned counsel, hereby moves the Court pursuant to Federal Rule of Evidence 610 to exclude the improper use of evidence of a witness's religious beliefs or opinions to attack or support the witness's credibility. Rule 610 prohibits the use of “[e]vidence of a witness's religious beliefs or opinions...to attack or support the witness's credibility.” *See Tisdale v. Federal Express Corp.*, 415 F.3d 516, 536 (6th Cir. 2005) (quoting the prior version of Rule 610, the court noted that Rule 610 “expressly prohibits evidence of religious beliefs ‘for the purpose of showing that by reason of their nature the witness' credibility is impaired or enhanced.’”)

Thus, Rule 610 “bars the admission of evidence of the religious beliefs of a witness for the purpose of showing that his credibility is impaired as a result of those beliefs.” *United States v. Sampol*, 636 F.2d 621, 666 (D.C. Cir. 1980). The rationale behind this rule “is to guard against the prejudice which may result from disclosure of a witness's faith.” *Id.* The scope of the prohibition is not limited to more commonly held or mainstream religious beliefs and includes religions or beliefs that may be considered “unconventional or unusual.” *Id.*

As the Court is aware, Mr. Weinland is a minister in the Church of God, Preparing for the Kingdom of God (the "COG-PKG"). It is anticipated that testimony at trial may include testimony by Mr. Weinland and/or various members of the COG-PKG. Given the fact that the religious beliefs and opinions of Mr. Weinland and members of the COG-PKG may be viewed as being unconventional or unusual, an order excluding the use of such religious beliefs and opinions to impeach the credibility of any witness that may testify is necessary to guard against any prejudice that may result to the witness due to the disclosure of the witness's religious beliefs and opinions.

For these reasons, the Court should enter an order pursuant to Federal Rule of Evidence 610 excluding the use of evidence of a witness's religious beliefs or opinions to attack or support the witness's credibility.

A proposed order is submitted herewith.

Respectfully submitted,

/s/ J. Christopher Coffman

Robert C. Webb

J. Christopher Coffman

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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2012, I electronically filed this document with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to Robert K. McBride, Robert.McBride@usdoj.gov.

By: /s/ J. Christopher Coffman
J. CHRISTOPHER COFFMAN
Counsel for Ronald E. Weinland