



GUN

Reading Backwards In Time **Cut To Day 12 Of The Trial:** **Transcript of 12.04.2003** **Docket #323**

Page 2141, Lines 3-11

Prosecutor¹: “Now, we’ve also learned that a gun, bayonet, and ammunition were found at Mr. Sutcliffe’s apartment. And the judge has instructed you that those items are only to be considered as to the defendant’s intent. I submit to you that that intent is when he uttered statements like, ‘Have you ever been stabbed with a knife? I have, a big one. It hurts real bad,’ and ‘I am now armed.’ And not, that he did not qualify the ‘I am now armed with information’ on the charged count.”

¹ A district court’s decision to admit evidence is reviewed for abuse of discretion. *United States v. Bennett*, 363 F.3d 947, 952 (9th Cir. 2004)

Reading Further Backwards In Time
Cut To Pre Trial Motions In Limine:
Transcript of 01.10.2003
Docket #104

Page 29-30

Page 29, Lines 24-25

Judge: "The first motion to exclude evidence of firearms is, the statements attributed to Mary Light are excludable –"

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"in any event. To the extent there would be a need to rule on it in a motion in Limine, I grant the motion. Those would be hearsay. You're representing you're not going to try to introduce that anyway, right?"

Mr. Gonzalez: "That's correct, Your Honor."

Judge: "Okay. To the extent the motion address the rifle and ammunition seized in Hew Hampshire on March 26, 2002, I intend to deny the motion subject to a limiting instruction and any clarification or modification of limiting instruction that I circulated. You have had a chance to review that, Mr. Harris. It's entitled limiting instructions re; weapons."

Harris: "Can I have a moment, please."

Judge: "Sure."

(PAUSE IN PROCEEDINGS)

Judge: "You don't have to give me your final view."

Harris: "Do you want me to talk about the merits or remedy here?"

Judge: "It's not a remedy because that suggests that there was a wrong. It would not be wrong. It would be perfectly permissible and admissible to allow the government to introduce evidence of the possession of the *weapons*. You can - - I don't want to quibble with you. I'm willing, I think it necessary to provide a limiting"

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Judge: "instruction. You don't have to fiddle with the precise language now. We could do that later on in the trial. But that's what my ruling is. I don't want to hear from either side any argument that has already been in your briefs.

SEE ALSO:

Docket #303 Minute Order Denying Motion in Limine to Exclude

Docket #284 Government's response to defendant's Motion in Limine filed by defendant to exclude rifle

Docket #281 Motion in Limine filed by defendant to exclude rifle.

Docket #102 Government's Response to Defendant's Motion in Limine to exclude evidence of firearms.

Docket # 83 Motion in Limine to exclude evidence of firearms.