

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	CRIMINAL NO. 2008-0020
v.	)	
	)	
AMON THOMAS, NATHANIEL	)	
THOMAS, OKIMO MELIGAN, and	)	
ANDREA SOTO	)	
	)	
Defendants.	)	
_____	)	

ORDER

FINCH, SENIOR JUDGE

THIS MATTER comes before the Court on Defendant Amon Thomas's Motion in Limine to Preclude Government from Introducing Certain Exhibits at Trial. The Government has submitted an inventory of evidence seized pursuant to a search warrant including ski masks, gloves, a gun case and numerous photographs of these items. The Government concedes that the ski mask and gloves bear no relevance to the charges in this matter and will not introduce these items or photos of these items into evidence.

I. STANDARD OF REVIEW

Federal Rule of Evidence 402 provides that evidence which is not relevant is not admissible. Relevant evidence is evidence that tends to make the existence of a fact that is of consequence more or less probable. Fed. R. E. 401. Even if evidence is relevant, it may not be admissible for a number of reasons. Federal Rule of Evidence 403 provides for the exclusion of

evidence whose probative value is substantially outweighed by the danger of unfair prejudice or confusion.

II. DISCUSSION

Amon Thomas is charged in Counts 4, 5, 6 and 7 with possession of firearms. Therefore, his possession of a firearm is necessarily a fact that is of consequence in this case. The Court finds that the gun case seized from Amon Thomas' property is relevant because his possession of a gun case makes it more probable that he also possessed a firearm. Additionally, the Court finds that the probative value of the gun case being used as evidence is not substantially outweighed by the danger of unfair prejudice to Amon Thomas or confusion of the jurors.

After careful consideration and the Court being fully advised in the premises, it is hereby

ORDERED that Defendant Amon Thomas' Motion in Limine to Preclude Government from Introducing Certain Exhibits at Trial is **GRANTED IN PART AND DENIED IN PART**.

It is further

ORDERED that, with regard to the gun case seized from Defendant Amon Thomas' property, the Motion in Limine to Preclude Government from Introducing Certain Exhibits at Trial is **DENIED**. It is further

ORDERED that, with regard to the ski masks, gloves and any photographs of these items, Defendant Amon Thomas' Motion in Limine to Preclude Government from Introducing Certain Exhibits at Trial is **GRANTED**. The Government may not introduce evidence of the ski masks or gloves seized from Amon Thomas' property and may not introduce any photographs of these items at trial.

ENTERED this 20th day of February, 2009.

/s/

**HONORABLE RAYMOND L. FINCH
SENIOR U.S. DISTRICT JUDGE**