

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-10154-01-JWB

ASHTON B. MALONE,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on Defendant's Motion in Limine (Doc. 51.) The Government has filed a response essentially conceding the motion (Doc. 52.) The motion is accordingly GRANTED.

Defendant moves to exclude any statements by a non-testifying codefendant that would inculcate Defendant. Defendant notes the Government has represented that codefendant Justin Slayden will testify at trial but that codefendant April Gibbons¹ will not testify. Defendant therefore seeks to exclude evidence of any statements by April Gibbons that would inculcate him. (Doc. 51 at 1) (citing Sixth Amendment right to confront and cross-examine witnesses). The Government confirms that it plans to call Justin Slayden, who will be subject to cross-examination, but it does not plan to call April Gibbons (Robbins), and accordingly "defendant's concerns about his right to exercise cross-examination of Ms. Robbins can be laid to rest." (Doc. 52 at 1.) The court construes this as a concession that the motion in limine should be granted with respect to any statements by codefendant April Gibbons (Robbins) that inculcate Defendant.

¹ The parties refer alternatively to "April Gibbons" and "April Robbins." The indictment names this codefendant as "April L. Slayden," but indicates she is also known as "April Gibbons" and "April Robbins." (Doc. 1 at 1.)

IT IS THEREFORE ORDERED this 6th day of July, 2018, that Defendant's Motion in Limine (Doc. 51) is GRANTED to the extent stated above.

s/ John W. Broomes
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE