

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES OF AMERICA,

v.

BRAD CHRISTOPHER HULL,

Defendant.

CASE No. 6:06-CR-00013-003

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the Defendant's November 2, 2006 Motion in Limine. Defendant asserts that government witnesses expected to testify that they purchased controlled substances from Defendant are irrelevant, because the witnesses did not have contact with alleged co-conspirators and thus cannot testify to the existence of the conspiracy. The motion also alleges that "there is no allegation" that drug sales to the witnesses were made in furtherance of the alleged conspiracy.

Federal Rule of Evidence 401 defines "relevant" as "having any tendency to make a [material] fact...more probable or less probable..."

Clearly the act of distributing controlled substances is relevant to the question of whether Defendant was involved with a conspiracy to distribute controlled substances. It is more likely that one who distributes narcotics is, at the time of that distribution, involved with a conspiracy to do so.

Witnesses can be called to prove elements of a case piecemeal. There is no requirement

that every witness be able to testify to every element.

Nor is the Defendant's claim that the evidence is unduly prejudicial availing. Evidence is not unduly prejudicial merely because it is unfavorable. It is prejudicial when it tends to mislead a jury or cause decision-making based on passions rather than reason. Here, Defendant is on trial for participating in a conspiracy to deal drugs. Evidence tending to show that he is a drug dealer cannot possibly be excluded on grounds of prejudice.

The motion is DENIED.

The Clerk of the Court is directed to send a certified copy of this Order to the Defendant and all counsel of record.

ENTERED: _____
U.S. District Judge

Date