

Thomas R. Smith
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ATTORNEYS FOR DEFENDANT

In The District Court

For the District of Wyoming

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
Vs.) Case No. 07-CR-32-B
)
NATHANIEL SOLON)
)
 Defendant.)

REQUEST FOR NOTICE OF INTENTION TO PRESENT 404(b) EVIDENCE

COMES NOW the Defendant, Nathaniel Solon, by and through his counsel, Thomas R. Smith, and requests, pursuant to Federal Rule of Evidence 404(b), that the United States provide reasonable notice in advance of trial of the general nature of any evidence it intends to introduce at trial pertaining to any prior criminal convictions of the Defendant and/or other crimes, wrongs or acts.

Defendant asserts that any references to his prior conviction pertaining to possession with intent to distribute methamphetamine in the year 2000 is irrelevant as are references to a 1989 conviction for driving while under the influence, or for a 1982 for burglary. Similarly, the United States is aware of a breach of peace conviction in Natrona County Circuit Court. Defendant asserts these prior convictions are irrelevant and do not fit exceptions under 404(b).

In some of the discovery, there are references to the Defendant serving periods of time at a “halfway house” or Community Alternatives of Casper. References to the Defendant staying at that location would be one way of getting in Defendant’s past criminal history. Defendant asserts that his past criminal history is irrelevant and should

not be admissible until and unless he testifies and then only if the requirements of Rule 608 or 609 are met.

Therefore, Defendant requests that the Court prohibit the United States from presenting evidence of his prior convictions unless and until the Court makes a ruling pertaining to admissibility of such evidence.

RESPECTFULLY SUBMITTED this 20th day of October, 2008.

By: _____/S/
Thomas R. Smith
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served this 20th day of October, 2008, by electronic email and by US mail, addressed to:

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Honorable Clarence A. Brimmer
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_____/S/
Cheryl Deere