

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:20-CR-0031 CWR-LGI

TED BRENT ALEXANDER

**RESPONSE TO MOTION IN LIMINE TO EXCLUDE
VICTIM IMPACT STATEMENTS [Dkt. No. 52]**

The United States submits this Response to Alexander’s Motion in Limine to Exclude Victim Impact Statements and Testimony [Dkt. 52]. The government does not plan to introduce victim impact statements generally in its case in chief. However, Alexander apparently has an overly broad definition of “victim impact” evidence that he seeks to exclude.

Some of the evidence that may be relevant to the issues in this case may also be viewed as “victim impact” evidence. Such evidence should not be excluded categorically. For example, the government may seek to elicit testimony as to show what Alexander’s victims planned to use the money for as proof that the victims would not have invested their money in Alexander’s scheme if they had known the true nature of the risks. This is relevant to the materiality of the false statements made by Alexander, which is part of the proof of fraud. Furthermore, such evidence is relevant to rebut any claims by Alexander that his victims are “sophisticated investors” or investors who were financially able to take greater risks.

The Court can and should rule on such objections at trial rather than making such an overly broad ruling as Alexander seeks in the present motion. For this reason, the Court should deny the motion in limine as overly broad and reserve rulings for trial.

Date: August 2, 2022

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

I, DAVID H. FULCHER, Assistant U.S. Attorney, hereby certify that I have this date electronically filed the foregoing motion with the Clerk of the Court using the ECF system which sent notification to all counsel of record.

Dated: August 2, 2022

/s/ Dave Fulcher
David H. Fulcher
Assistant United States Attorney