

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,            )  
  )  
  Plaintiff,            )  
  )  
  v.                            )  
  )  
RACHELANN RODRIGUEZ,                )  
  )  
  Defendant.            )

Criminal Action No. 04-71-KAJ

**MEMORANDUM ORDER**

Before me is the defendant’s motion *in limine* (Docket Item [“D.I.”] 27; the “Motion”) seeking to prevent the government from cross-examining her about her prior misdemeanor conviction under 18 U.S.C. § 1012 for making a false statements to acquire federal housing assistance. (*Id.* at 1, 2 n.1.) For the reasons that follow, the Motion will be denied.

The defendant was indicted in this case on June 22, 2004 (D.I. 1) and a superseding indictment was filed on July 27, 2004 (D.I. 3), charging her with making false statements in connection with the acquisition of firearms and conspiring to make such statements. In anticipation of trial, the defense asked the government “what actions the Government would take if Ms. Rodriguez testified at trial.” (D.I. 27 at ¶ 1.) Concerned that the government would cross-examine her about her previous conviction for making a false statement, the defendant filed the instant Motion. (*See id.* at ¶¶ 1-2.)

The defendant acknowledges (*id.* at ¶ 2) that Federal Rule of Evidence 609 provides, in pertinent part, as follows: “evidence that any witness has been convicted of a crime shall be admitted if it involved dishonesty or false statement, regardless of the

punishment.” F.R.E. 609(a)(2). Nevertheless, the defendant asserts that “the Government may only impeach her pursuant to Federal Rule of Evidence 609(a)(2) by admitting evidence that simply indicates that she was convicted of a crime involving dishonesty, without giving specific details of the offense.” (D.I. 27 at ¶ 2.) The government responds that it “does not intend to question the defendant regarding specific acts of misconduct underlying her conviction” (D.I. 28 at 3 n.4), but argues that it is entitled to “introduce the conviction, namely the fact that the defendant was convicted of making a false statement, the date of the conviction, and the court in which the defendant was convicted, to impeach the defendant should she testify.” (*Id.* at ¶ 7.)

The government is correct in its assertion that the information it says it wants to convey to the jury about the defendant’s earlier conviction is permitted by Federal Rule of Evidence 609(a)(2) and that “evidence of crimes involving dishonesty or false statement is automatically admissible; the district court is without discretion to weigh the prejudicial effect of admitting the evidence against its probative value” *Cree v. Hatcher*, 969 F.2d 34, 37 (3d Cir. 1992) (citation omitted). The defendant has cited no authority to the contrary.

Accordingly, it is hereby ORDERED that the defendant’s Motion (D.I. 27) is DENIED.

Kent A. Jordan  
UNITED STATES DISTRICT JUDGE

January 6, 2005  
Wilmington, Delaware