IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA *v.* AUSTIN MARTIN SIAMPWIZI	Criminal Action No. 1:23-CR-246-WMR-RDC

Government's Motion in Limine

The United States of America, by Ryan K. Buchanan, United States Attorney, and Sarah E. Klapman, Assistant United States Attorney for the Northern District of Georgia, files the following motion in limine.

On July 25, 2023, a grand jury in the Northern District of Georgia returned a multi-count indictment against defendant Austin Martin Siampwizi for crimes related to COVID-relief programs. (Doc. 1). Specifically, Siampwizi was charged with one count of money laundering conspiracy and three substantive money laundering counts related to the laundering of fraudulent proceeds from false claims for unemployment insurance filed with state agencies using stolen personally identifiable information. (Doc. 1). Siampwizi was also charged with bank fraud in connection with an Economic Injury Disaster Loan application submitted to the United States Small Business Administration in the summer of 2020. (Doc. 1). This case has now been certified ready for trial. The United States moves to preclude Siampwizi from presenting inadmissible and irrelevant evidence regarding the penalties he faces.

The Constitution provides criminal defendants with the general right to present evidence and call witnesses in their own favor. *See United States v. Hurn*, 368 F.3d 1359, 1362 (11th Cir. 2004); *see also* U.S. CONST. amends V, VI. However, such rights are not absolute. *See Hurn*, 368 F.3d at 1365-66. Indeed, it "is axiomatic that a defendant's right to present a full defense does not entitle him to place before the jury irrelevant or otherwise inadmissible evidence." *United States v. Anderson*, 872 F.2d 1508, 1519 (11th Cir. 1989). Accordingly, a defendant is only constitutionally entitled to present evidence that is relevant to an element of the charged offense or to an affirmative defense. *See Hurn*, 368 F.3d at 1365-66; *United States v. Masferrer*, 514 F.3d 1158, 1161 (11th Cir. 2008) ("where the proffered evidence does not bear a logical relationship to an element of the offense or an affirmative defense . . . a defendant has no right to introduce that evidence") (internal quotations omitted).

Under the federal rules, evidence "is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action." Fed. R. Evid. 401; *see* Fed. R. Evid. 402 ("Relevant evidence is admissible," while "[i]rrelevant is not admissible"). Notably, even when evidence is relevant, courts may exclude that evidence "if its probative value is substantially outweighed by the danger of . . . unfair prejudice, confusion of the issues, or misleading the jury." Fed. R. Evid. 403. Trial courts have "broad discretion to determine the relevance and admissibility of any given piece of evidence." *United States v. Merrill*, 513 F.3d 1293, 1301 (11th Cir. 2008).

It is well-settled that arguments or evidence regarding punishment are improper because the potential penalties faced by a defendant are irrelevant to the jury's determination of guilt or innocence. *See Shannon v. United States*, 512 U.S. 573, 579 (1994) ("a jury has no sentencing function, it should be admonished to 'reach its verdict without regard to what sentence might be imposed'") (quoting *United States v. Rogers*, 422 U.S. 35, 40 (1975)). The Eleventh Circuit has unequivocally stated that the "question of punishment should never be considered by the jury in any way in deciding the case." *United States v. McDonald*, 935 F.2d 1212, 1222 (11th Cir. 1991); *accord* ELEVENTH CIRCUIT PATTERN JURY INSTRUCTIONS (Criminal), Basic Instruction No. 10.1 (2020) ("You must never consider punishment in any way to decide whether the Defendant is guilty or not. If you find the Defendant guilty, the punishment is for the Judge alone to decide later."). And the rationale for excluding penalty evidence is plain – the penalties associated with a conviction are not probative of guilt or innocence. Instead, evidence relating to the punishment serves only to compromise the verdict, confuse the jury, or invoke sympathy for the defendant. *See McDonald*, 935 F.2d at 1222.

As a result, the government moves to preclude Siampwizi from arguing or introducing evidence regarding the potential penalties he faces upon conviction, including: (a) the maximum penalties associated with the charged offenses; and (b) that if convicted, Siampwizi could be sentenced to prison.

Conclusion

For the foregoing reasons, the government respectfully requests that the Court grant the requested relief. The government reserves the right to amend its motion in limine if additional facts become available.

Respectfully submitted,

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