

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

UNITED STATES	)	
	)	
v.	)	
	)	INDICTMENT NO.
CARLA JACKSON,	)	1:20-CR-00296-JPB-CMS-05
Defendant	)	
_____	)	

**Motion in Limine to Prohibit the Government’s Use of Evidence During
Trial Related to Roadrunner Automotive Group, LLC**

COMES NOW Defendant CARLA JACKSON, by and through undersigned counsel, and hereby files this “Motion in Limine to Prohibit the Government’s Use of Evidence During Trial Related to Road Runner Automotive Group, LLC” (hereafter “Roadrunner”). In support thereof, Defendant shows as follows:

INTRODUCTION

Defendant Carla Jackson is charged in counts 46 and 47 of the Second Superseding Indictment (“Indictment”) with violations under the money laundering statute, 18 U.S.C. § 1956(a)(1)(B)(i).¹ During trial, the Government may seek to introduce evidence related to “Roadrunner Automotive Group, LLC,” a company formed in 2019 (according to Georgia

¹ Ms. Jackson is not charged with any of the conspiracy counts in the Indictment.

Secretary of State records) and which the Government has included as part of its intended exhibit list for trial. According to the Government's trial exhibits, Defendant Carla Jackson and co-defendant John Gaines are shown as organizers of Roadrunner. John Gaines is also shown as the registered agent for this company.

In addition to the Georgia Secretary of State records, the Government's evidence may include bank statements for Roadrunner, application materials by Roadrunner for the Paycheck Protection Program, and additional exhibits and evidence of Whatsapp messages or email communications about Roadrunner between defendants in this case, notably between defendants John Gaines and Darrell Thomas.

The Court should prohibit the introduction of any evidence related to Roadrunner, as such evidence is not relevant to the charges against Defendant Jackson, and this evidence improperly places her character into evidence without a finding by this Court that such evidence is admissible as either intrinsic evidence to the underlying charges or admissible as 404(b) evidence.² Defendant Jackson also asserts that the introduction of any

² The Government has not filed any notice under Rule 404(b) of its intent to introduce this evidence about Roadrunner against Defendant Jackson.

evidence related to Roadrunner during her trial should be prohibited under a Rule 403 balancing analysis for unfair prejudice.

Defendant Jackson brings this motion in limine now because of the recent change of plea entered by codefendant John Gaines before this Court on January 31, 2024, and after receipt of the Government's list of expected exhibits for its case in chief, sent out to all defense counsel on February 1, 2024. Roadrunner-related documents are included in the Government's exhibits.

BRIEF FACTUAL BACKGROUND

Ms. Jackson is charged with two counts of money laundering based on two deposits allegedly made into her company business account (Management Resource Services, Inc.) on June 8, 2020, for \$155,252.50, and on June 22, 2020, for \$179,985.72. According to the Indictment allegations, the June 8, 2020 deposit was a wire transfer from a bank account of Gaines Reservation and Travel to a bank account of Management Resource Services, and the June 22, 2020 deposit was a wire transfer from a bank account of Gaines Reservation and Travel to a bank account of Management Resource Services.

The Government alleges that the funds transferred to Defendant Jackson's business were from illegally obtained funds by Gaines

Reservation and Travel through the Paycheck Protection Program. The Government avers (in part) that Defendant Jackson knew of the illegal source of the funds deposited into her company bank account.

Ms. Jackson denies any such knowledge.

When codefendant John Gaines was still included as part of the group of defendants proceeding to trial, the Roadrunner documents were arguably relevant to *his* charges, but none of the Roadrunner documents are relevant at all to the charges facing Ms. Jackson in counts 46 and 47, especially since John Gaines is not proceeding to trial. Their introduction into trial is also prejudicial to Defendant's defense under a Rule 403 balancing analysis and are not admissible as either intrinsic evidence or under Rule 404(b) as "other acts" evidence.

ARGUMENT AND CITATIONS OF AUTHORITY

I. THE EVIDENCE IS NOT RELEVANT TO DEFENDANT JACKSON'S CHARGES

The starting place for evidentiary admissibility is relevance. *United States v. McGregor*, 960 F.3d 1319, 1323, 1324 (11th Cir. 2020). Evidence is "relevant" under Rule 401 of the Federal Rules of Evidence if "it has any tendency to make a fact more or less probable than it would be without the evidence" and "the fact is a consequence in determining the action." *Id.*, citing Fed. R. Evid. 401. And under Rule 402, "[r]elevant evidence is

admissible’ unless provided otherwise by the Constitution, federal statute, the other Federal Rules of Evidence, or other rules made by the Supreme Court.” *Id.*, citing Fed. R. Evid. 402. *Id.*

In the present case, evidence about the company Roadrunner has no relevance to the charges against Defendant Jackson, or to either of the two other codefendants proceeding to trial, Teldrin Foster or Jerry Baptiste. The only two codefendants that Roadrunner evidence could apply to would be Darrell Thomas and John Gaines, both of whom have entered guilty pleas and are not at trial.

The Court should prohibit the Government from introducing any evidence about Roadrunner during trial or making any mention that Defendant Jackson was involved with Roadrunner in any way. It is not relevant evidence to Ms. Jackson or to this action.

II. IF THE COURT DEEMS THE ROADRUNNER EVIDENCE RELEVANT, IT SHOULD STILL PROHIBIT ITS INTRODUCTION UNDER A RIULE 403 ANALYSIS

Even if evidence is found to be relevant, a district court may nonetheless exclude relevant evidence under rule 403 if “its probative value is substantially outweighed by the danger of ... unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting the time, or needlessly

presenting cumulative to evidence.” *United States v. Patrick*, 513 Fed. Appx. 882, 886 (11th Cr. 2013), *citing* Fed. R. Evid. 403.

“The term ‘unfair prejudice,’ as applied to a criminal defendant, “speaks to the capacity of some concededly relevant evidence to lure the factfinder into declaring guilt on a ground different from proof specific to the offense charged.” *Id.*, *citing Old Chief v. United States*, 519 U.S. 172, 180 (1997). “The primary function of Rule 403 is to exclude evidence of ‘scant or cumulative probative force, dragged in by the heels for the sake of its prejudicial effect.” *Id.*, *citing United States v. McRae*, 593 F.2d 700, 707 (5th Cir. 1979).³

In the present case, admission of evidence related to Roadrunner would unfairly prejudice Defendant Jackson, as it would “lure” the jury into possibly declaring guilt “on a ground different from proof specific” to the two charges against Ms. Jackson in counts 46 and 47. Those two counts, and the underlying evidence anticipated from the Government, have nothing to do with Roadrunner, and any evidence related to Roadrunner should be

³ In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down before October 1, 1981.

precluded from admission on both relevance grounds *and* a Rule 403 analysis.

III. THE GOVERNMENT HAS NOT PROVIDED ANY 404(B) NOTICE TO DEFENDANT JACKSON THAT IT INTENDED TO USE EVIDENCE ABOUT ROADRUNNER DURING TRIAL AGAINST HER

Fed. R. Evid. 404(b) requires that for a prosecutor to admit evidence at trial of “other crimes, wrongs, or acts” involving a defendant, a prosecutor must: (A) “provide reasonable notice of any such evidence that the prosecutor intends to offer at trial, so that the defendant has a fair opportunity to meet it; (B) articulate in the notice the permitted purpose for which the prosecutor intends to offer the evidence and the reasoning that supports the purpose; and (C) do so in writing before trial - or in any form during trial if the court, for good cause, excuses lack of pretrial notice.” Fed. R. Evid. 404(b).

The Government has not provided any such notice to Defendant Jackson in this case about its intent to introduce evidence about Roadrunner against her at trial. The Government *did* initially intend to introduce evidence about Roadrunner against codefendant John Gaines and it filed a

notice on December 19, 2023 [Doc. 772].⁴ In its 404(b)-notice filing against codefendant John Gaines [Doc. 772], the Government states:

The United States gives formal notice of its intent to offer at trial evidence related to Gaines' participation in the preparation and/or submission of fraudulent PPP loan applications between March 2020 and August 2020 for businesses other than Gaines Reservation, including Charles Smith University, **Roadrunner Automotive Group LLC**, Main Street Events, Driving Under Intelligence, 365 Enterprises LLC, and Management Resource Services. [Doc. 772, p. 2, emphasis added].

When codefendant John Gaines entered a guilty plea on January 31, 2024, right near the start of jury trial, the Government's need for this 404(b) evidence evaporated. Defendant Jackson has never received any similar (prior) notice from the Government that it intended to use the evidence about Roadrunner against her at trial. Ms. Jackson did not expect to see the Roadrunner documents (PPP loan applications, bank statements, Whatsapp and email communications, inter alia) in the Government's collection of exhibits for trial, but they still are included.

Defendant Jackson moves, in limine, to prohibit the Government's use of any evidence about Roadrunner during trial. The Government did not provide the required pretrial notice as required under Rule 404(b), and any

⁴ The Government filed similar 404(b) notices for codefendants Teldrin Foster and Jerry Baptiste. [Docs. 771, 773].

evidence about Roadrunner against Defendant Jackson is not admissible under Fed. R. Evid. 404(b) for any purpose under that Rule. Additionally, as previously argued above, this evidence fails a Rule 403 balancing analysis and should be excluded at trial.

IV. EVIDENCE OF ROADRUNNER AUTOMOTIVE GROUP LLC IS NOT INTRINSIC TO THE CHARGED OFFENSES AGAINST DEFENDANT JACKSON

Evidence of a defendant's conduct that is intrinsic to the charged offenses may be admissible even where it would otherwise be barred by Rule 404(b). *United States v. Wenxia Man*, 891 F.3d 1253, 1273 (11th Cir. 2018). "Intrinsic evidence is admissible if it is (1) an uncharged offense which arose out of the same transaction or series of transactions as the charged offense, (2) necessary to complete story of the crime, or (3) inextricably intertwined with the evidence regarding the charged offense." *Id.*, citing *United States v. Troya*, 733 F.3d 1125, 1131 (11th Cir. 2013).

The Government's use of Roadrunner evidence would not satisfy any of these considerations as "intrinsic" evidence. John Gaines' involvement with PPP loan applications and Roadrunner did not arise out of the same transaction or series of transactions as the charged offense against Ms. Jackson (money laundering involving her or the company, Management Resource Services, Inc.). Roadrunner evidence is unnecessary to complete

“the story of the crime” and it is not “inextricably intertwined with the evidence regarding the charged offense.” Again, the charged offense and allegations of money laundering involve Management Resource Services, Inc., not Roadrunner Automotive Group, LLC.

Roadrunner evidence is not intrinsic evidence and should not be admitted during trial.

WHEREFORE, for the reasons stated above, Defendant Jackson requests that the Court GRANT this motion, prohibit the Government’s use of any evidence related to Roadrunner Automotive Group LLC during trial, and grant such other and further relief as is just and proper.

Respectfully submitted this 4th day of February, 2024.

/s/ David D. Marshall
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CERTIFICATE OF SERVICE

This is to certify that the foregoing was formatted in 14-point Times Roman, in accordance with Local Rule 5.1C, and was electronically filed this day with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following:

All defense counsel; All AUSA's of record

This 4th day of February, 2024.

/s/ David D. Marshall
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