**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION**

UNITED STATES OF AMERICA	)	
	)	CASE NO. 3:23-CR-009
v.	)	
	)	
GLADYS HARUN	)	

**GOVERNMENT'S NOTICE PURSUANT TO
FED. R. EVID. 404(B) AND SDGA LOCAL RULE 16.2**

The United States gives notice pursuant to Federal Rule of Evidence 404(b) and SDGA Local Rule 16.2 of its intent to introduce in its case-in-chief evidence of certain crimes, wrongs, and other acts, as well as the circumstances and facts surrounding the crimes, wrongs, and other acts, of Defendant Gladys Harun.

In particular, the United States intends to introduce evidence of Defendant's false and fraudulent applications to lenders submitted as part of the Paycheck Protection Program (PPP), and to the SBA as part of the Economic Injury Disaster Loan (EIDL) program. Such applications are described below in the Affidavit in Support of a Complaint. *See* Doc. 3-1, 1:22-MJ-051.

They include Defendant's PPP applications to: Wells Fargo on or about April 17, 2020, *id.* ¶ 19; Truist Bank in or about April 2021, *id.* ¶ 20; and Wells Fargo on or about April 9, 2021, *id.* ¶ 21. They also include EIDL applications numbered 3305025780 and 3313902136 that Defendant submitted on her own behalf, *id.* ¶¶ 26–27; EIDL application number 3321688919 that Defendant submitted in the name of a deceased individual with the initials L.G., *id.* ¶ 28; and the PPP and EIDL applications prepared under the names of J.B., J.N., C.H., and H.M., *id.* ¶¶ 35–42.

Records in the United States' possession concerning the above-referenced applications were part of the United States' initial discovery disclosure. The United States will introduce the specified crimes, wrongs, and other act evidence in its case-in-chief to show intent, preparation, plan, knowledge, lack of accident or mistake, and identity. By pleading not guilty, Defendant has made intent a material issue. *United States v. Zapata*, 139 F.3d 1355, 1358 (11th Cir.1998). The government, therefore, "may prove [intent] by qualifying Rule 404(b) evidence absent affirmative steps by the defendant to remove intent as an issue." *Id.* And Defendant's "knowing commission" of other, similar crimes "logically bear on [her] knowledge" of the crimes charged in the indictment. *United States v. Jernigan*, 341 F.3d 1273, 1281 (11th Cir. 2003). This is particularly true when the government seeks to introduce evidence of fraudulent activity not charged in an indictment alleging fraud. *See, e.g.*, *United States v. White*, 848 F. App'x 830, 841 (11th Cir. 2021) (upholding 404(b) admission of uncharged fraudulent activity where evidence showed how Defendant gained knowledge of fraudulent practice of overstating his business valuation he later used in charged conduct); *United States v. Frediani*, 790 F.3d 1196, 1202 (11th Cir. 2015) (finding the district court did not err in admitting evidence of six additional fraudulent uncharged contracts where such evidence was probative of intent since defendant "implied that he had only made a mistake"); *United States v. Uptain*, 552 F.2d 1107, 1107–08 (5th Cir. 1977) (affirming admission of extrinsic fraud evidence where it showed "knowledge, intent, and a consistent pattern and scheme of operation").

Alternatively, the United States contends that such evidence is intrinsic evidence that does not fall within Federal Rule of Evidence 404(b), since evidence of Defendant's false pandemic fraud submissions to obtain money arose out of the same series of transactions as the charged wire fraud offense, is necessary to complete the story of the crime, and is inextricably intertwined with the evidence regarding the charged offense. *See United States v. Troya*, 733 F.3d 1125, 1131 (11th Cir. 2013).

Respectfully submitted, this 8th day of August 2022.

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