

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

UNITED STATES OF AMERICA	)	
	)	CASE NO. 3:22-CR-009
v.	)	
	)	
GLADYS HARUN	)	

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

The United States previously gave notice on August 8, 2022, 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 identified several false and fraudulent PPP and EIDL applications. *See* Doc. 32.

The United States supplements its August 8 filing to provide notice that, in addition to those items previously listed, the United States intends to introduce in its case-in-chief Defendant’s Motion Requesting Appointment of Counsel (“Motion”), dated August 29, 2021, in Middle District of Georgia case number 5:21-CV-333-TES. In the Motion, Defendant declared falsely that she was indigent and could not work. The United States introduced the Motion as an exhibit at Defendant’s detention hearing and provided a copy to defense counsel. *See* 1:22-MJ-051, doc. 19-13, at 1–2.

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 to Count 1, which charges

her with making a false declaration in a motion seeking to avoid the payment of court costs, 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 submissions to courts to avoid payment obligations arose out of the same series of transactions as the offense charged in Count One, 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 11th day of October 2022.

DAVID H. ESTES
UNITED STATES ATTORNEY

/s/ Chris Howard
Chris Howard
Assistant United States Attorney
N.Y. Bar. No. 4935938

Post Office Box 8970
Savannah, Georgia 31412
Telephone Number: 912-652-4422