

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

V.

CASE NO.: 2:24-cr-00192

KISHA SUTTON,

DEFENDANT.

**DEFENDANT KISHA SUTTON'S RESPONSE TO GOVERNMENT'S
MOTION IN LIMINE TO PRECLUDE ARGUMENTS
AND EVIDENCE ADVOCATING JURY NULLIFICATION**

NOW COMES the Defendant, Kisha Sutton, by and through counsel, and hereby responds to the *Government's Motion In Limine to Preclude Arguments and Evidence Advocating Jury Nullification* by stating that the Defense does not intend on arguing evidence for the purpose of jury nullification, but will introduce certain evidence that is relevant to the issues and elements of the case and in response to matters raised by the Government.

Potential Penalties

Defendant Sutton does not intend to inform the jury of any such potential penalties she faces in the event she were to be convicted. However, this request *In Limine* is premature as the evidence needs to come in before the Court can rule. Thus, Defendant Sutton asks the Court to deny this request at this time.

Nursing Education Programs / Nursing License

It doesn't appear that the Government's request to prevent evidence of a course of study, future career plans, and/or potential harm a felony conviction would to to those plans applies to Ms. Sutton. Nevertheless, any evidence presented surrounding Ms. Sutton, her employment, her education, and any other training she may have is clearly relevant information the jury is entitled to in this case. While the defense does not intend to argue this evidence for the purpose of jury nullification, such as arguing the consequences of conviction, the defense does intend on presenting evidence of Ms. Sutton's background, employment and education for the purposes related to the issue of intent to commit a crime and to provide the jury a full picture of who Ms. Sutton is as an individual, which goes directly towards credibility. Rule 404(a) would also allow this type of evidence in as character evidence. Thus, while the defense has no intention of arguing the ramifications of a conviction with regard to employment or future goals, it does intend on properly soliciting evidence of educational experience, employment, and training for otherwise proper purposes that may develop at trial.

This request *In Limine* is premature as the evidence needs to come in before the Court can rule. Thus, Defendant Sutton asks the Court to deny this request at this time.

Child / Family Care / Financial Responsibilities

Defendant Sutton at this point does not intend to introduce evidence of her children, family care, or financial responsibilities for the purposes of jury nullification. However, Defendant Sutton does reserve the right to introduce such evidence in the event it becomes relevant to an issue at hand. For example, the only tie the Government has to Ms. Sutton's alleged submission of the PPP loans is an IP address linked to her personal

information. The government cannot pinpoint who was operating the internet at the time the application was submitted, so evidence of her family being present could become relevant.

This request *In Limine* is premature as the evidence needs to come in before the Court can rule. Thus, Defendant Sutton asks the Court to deny this request at this time.

Medical Diagnoses / Physical & Emotional Disabilities

The Defendant does not intend to introduce or solicit evidence regarding Ms. Sutton's medical condition(s) and/ or physical or emotional disabilities for the sake of jury nullification. However, Defendant Sutton does intend to offer such evidence in the event it becomes relevant to an issue brought up at trial.

This request *In Limine* is premature as the evidence needs to come in before the Court can rule. Thus, Defendant Sutton asks the Court to deny this request at this time.

Respectfully submitted,
By Counsel

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA,

PLAINTIFF,

V.

CASE NO.: 2:24-CR-000192-01

KISHA SUTTON,

DEFENDANT.

CERTIFICATE OF SERVICE

I, Connor Robertson, certify that on the 24rd day of June, 2025, a copy of the foregoing Response was served on the United States by ECF, to Jonathan Storage, Assistant United States Attorney to the following:

Jonathan Storage
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