

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:24-CR-00192

KISHA SUTTON - 1
SHAMIESE WRIGHT - 2

GOVERNMENT'S OMNIBUS REPLY TO DEFENDANT KISHA SUTTON'S RESPONSE
TO GOVERNMENT'S MOTION IN LIMINE TO EXCLUDE UNDISCLOSED DEFENSE
EVIDENCE AND DEFENDANT SHAMIESE WRIGHTS' RESPONSE TO
GOVERNMENT'S MOTION IN LIMINE TO EXCLUDE
UNDISCLOSED DEFENSE EVIDENCE

Comes now the United States of America, by Jonathan T. Storage, Assistant United States Attorney for the Southern District of West Virginia, and respectfully submits this omnibus reply to the defendants' responses. ECF Nos. 275 and 282.

I. DISCUSSION

The government expects not to be blindsided by substantive defense evidence that should be disclosed under applicable rules. The government does not seek an order preventing the use of rebuttal or impeachment evidence. But to the extent that the defendants plan to introduce substantive evidence during their respective cases-in-chief that is in the form of documents or physical evidence not already revealed through discovery (including from the government), then the defendants should be

precluded from introducing such substantive evidence at trial. See Fed. R. Crim. P. 16(d)(2)(C).

The Second Superseding Indictment does not rely on any new disclosure of government evidence. The facts and circumstances underlying the current charges are the same as before. And even before, the defendants did not provide the government with any discovery.

Both defendants state that the government's motion should be denied because the government has not identified any particular document that has not been disclosed.¹ But that's the point. The government does not know what the defendants plan to rely on as substantive evidence in their respective cases-in-chief. Perhaps the answer is, "nothing" - which is fine. The Rules of Criminal Procedure, however, require reciprocal discovery when requested, as the government has done here.

The Court should preclude the defendants' use of any undisclosed, substantive evidence.

¹ See ECF No. 274 at 1 ("The Motions In Limine filed by the Government in this case do not provide adequate context, do not point to any particular documents, and are otherwise general in nature."); see also ECF No. 282 at 2 ("[T]he Government's Motion in limine, seeking broadly, exclusion of any and all documentary evidence, while not identifying any particular document, not disclosed by the Defendant through reciprocal discovery is premature and should be denied.").

II. CONCLUSION

For the reasons stated herein, the government requests that the Court grant it's motion. ECF No. 271.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "GOVERNMENT'S OMNIBUS REPLY TO DEFENDANT KISHA SUTTON'S RESPONSE TO GOVERNMENT'S MOTION IN LIMINE TO EXCLUDE UNDISCLOSED DEFENSE EVIDENCE AND DEFENDANT SHAMIESE WRIGHTS' RESPONSE TO GOVERNMENT'S MOTION IN LIMINE TO EXCLUDE UNDISCLOSED DEFENSE EVIDENCE" has been electronically filed and service has been made on opposing counsel by virtue of electronic mail this the 30th day of June, 2025, to:

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