

Fake Currency

“Public Wealth Rebate Notes”

(Allegedly drawn on the US Treasury)

14 pages
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Case Nos.
CA03-30006
CA03-30360
CA03-30361

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U.S. COURT OF APPEALS

JUN 25 2009

FILED _____
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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,)

v.)

JOHN NOLAN)

and)

LYLE HARTFORD VAN DYKE, JR.,)
Defendants.)

CR No. 02-390-JO

GOVERNMENT'S MOTION IN
LIMINE TO PROHIBIT DEFENDANTS
FROM PRESENTING INADMISSIBLE
EVIDENCE

The United States, by Michael W. Mosman, United States Attorney for the District of Oregon, through Allan M. Garten and Scott Kerin, Assistant United States Attorneys (AUSA) for the District of Oregon, submits the following motion in limine to preclude defendants from presenting "evidence" and arguments that are irrelevant and would confuse the jury and invade the province of the court in instructing the jury. The United States further moves this Court to instruct defendants and all witnesses called by defendants, that the use of such evidence, whether through pleadings or other documentary evidence, testimony, remarks, questions or arguments, either directly or indirectly, is prohibited.

Background

On September 19, 2002, the federal grand jury indicted the defendants for criminal conspiracy, manufacturing fictitious financial obligations, and thirteen counts of passing fictitious financial obligations. Mr. Nolan was also indicted for an additional six counts of mail fraud. The charges have arisen out of the defendants creation and passing of "Public Wealth Rebate Notes" allegedly drawn against the United States Treasury, Drafts allegedly drawn against Jackson National Life Insurance Company, and Notes allegedly drawn against Jackson National Life Insurance Company and its parent corporation Prudential. The defendants have each been arraigned and are proceeding pro se. At their arraignments, and through the course of this criminal investigation, the defendants have made statements which the government believes would be irrelevant if made at trial and would invade the province of the court in instructing the jury. Trial is set to begin on December 3, 2002.

Motion in Limine

Under the Federal Rules of Evidence, the jury should not be exposed to inadmissible evidence. Fed. R. Evid. 103(c). Evidence that is not relevant is not admissible. Fed. R. Evid. 402. "Relevant evidence" is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Fed. R. Evid. 401. Even if the evidence is minimally relevant, the court should exclude evidence "if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury." Fed. R. Evid. 403; United States v. Johnson, 820 F.2d 1065, 1069 (9th Cir. 1987).

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- > Even more important than the invalidation of the Indictment was the fact that the subject matter of the Indictment was wrongly chosen by the Prosecutor Alan Garten.
- > I had Bonded, hence secondarily backed, Mr. Nolan's Notes with one of my Public Wealth Rebate Notes, lawfully drawn against the Treasury of the United States of America, for an amount several times larger than the total actual disbursement of Mr. Nolan's Notes.
- > Unless the Prosecutor could prove that my Public Wealth Rebate Notes were a fraud, he could not prove that Mr. Nolan's Notes were a fraud.
- > Even though the Prosecutor raised 18 USC 514 in the Indictment, No government or govt agency, either Federal or State, has ever presented any proof that the Citation Currency Concept or my Public Wealth Rebate Notes are defective or are a fraud pursuant to 18 USC 514.
- > The Prosecutor's failure to prosecute me relative to the Public Wealth Rebate Note proves that my Public Wealth Rebate Note, like the Star Spangled Banner is still waving after the battle.
- > **HENCE** — my DEMAND TO QUASH Case #CR02-390(JO). I swear, that I have read the foregoing DEMAND TO QUASH INDICTMENT AND PURPORTED VERDICT, and that it is True, Correct, Complete, and not Misleading.

Page 3 of 3 pages (Date 2003) ^{original signature} (re don't 2003-10-24/m)
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