

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 4:05-cv-33 (TSL/LRA)
)	
)	
IKE BROWN, individually, and in his)	
official capacities as Chairman of Noxubee)	
County Democratic Executive Committee)	
and Superintendent of Democratic Primary)	
Elections; NOXUBEE COUNTY)	
DEMOCRATIC EXECUTIVE)	
COMMITTEE; CARL MICKENS,)	
individually, and in his official capacities)	
as the Circuit Clerk of Noxubee County,)	
Superintendent of Elections, Administrator)	
of absentee ballots and Registrar of voters;)	
the NOXUBEE COUNTY ELECTION)	
COMMISSION; NOXUBEE COUNTY,)	
MISSISSIPPI; and those acting in concert,)	
)	
Defendants.)	
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**NOTICE OF OPPOSITION OF THE UNITED STATES TO DEFENDANT
IKE BROWN’S MOTION IN LIMINE**

COMES NOW THE PLAINTIFF, the United States, and notes its opposition to the Defendant Ike Brown’s Motion in Limine. In opposition to the Motion in Limine, the United States offers the following grounds to deny the motion, as well as those in an accompanying Memorandum:

1. Evidence of the Defendant Ike Brown's extensive criminal history is relevant under Fed. R. Evid. 608(b), Fed. R. Evid. 609, Fed. R. Evid. 803(20) and Fed. R. Evid. 803(21). This criminal history, detailed in the Defendant Brown's Motion in Limine, ¶¶ 1-4, includes multiple felony convictions and criminal allegations involving forgery, tax fraud, dishonesty and absentee ballot fraud. The probative value of Defendant Brown's extensive criminal history outweighs any prejudice in a bench trial.

2. Relevant evidence under the Voting Rights Act extends far beyond only those acts committed by a named defendant or his agents. Plaintiff may present evidence which is relevant to prove, under the totality of the circumstances, that a number of factors exist in the political landscape to establish that a violation of the Voting Rights Act occurred.

3. Trial is the most appropriate forum to hear proffers of evidence by the Plaintiff and for the Court to make determinations as to the admissibility or relevance of the Plaintiff's evidence.

WHEREFORE, for these reasons and those in the accompanying Memorandum, the United States seeks an Order from this Court DENYING Defendant's Motion in Limine.

Respectfully Submitted,

DUNN O. LAMPTON
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Southern District of
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CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2006 I electronically filed the foregoing Notice of Opposition to Defendants' Motion in Limine using the Court's ECF system which sent notification of such filing to Wilbur O. Colom, Esq. and Edward L. Pleasants, III, of the Colom Law Firm, LLC, 200 6th Street, North, Suite 102, Columbus, Mississippi, 39701, Ellis Turnage, Esq., Post Office Box 216, 108 North Pearman Avenue, Cleveland, Mississippi, 38732, and, Christopher D. Hemphill, Esq., Dunn, Webb and Hemphill, P.A., 214 5th Street South, Columbus, Mississippi, 39701. With notice to be delivered by other means to:

Dunn Lampton
U. S. ATTORNEY'S OFFICE
188 E. Capitol St., Suite 500
Jackson, MS 39201

S/J. Christian Adams

J. Christian Adams