

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 2:18-cr-127-FtM-38UAM

TOMMY N. TRACY

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**ORDER**

This matter comes before the Court on the parties' Motions in Limine (Docs. 31, 36, 40, 46). The Court heard arguments from counsel at the Final Pretrial Conference held on February 1, 2019. For the reasons stated on the record and upon further consideration, the Court rules on the motions as set forth below.

Accordingly, it is now

**ORDERED:**

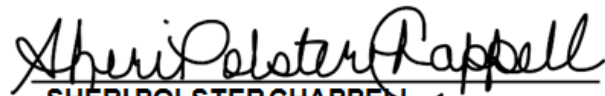
(1) The United States' Motion in Limine to exclude evidence of Defendant's mental disease or defect (Doc. 31) is **granted in part and denied in part**. The Court grants the Government's Motion as to all areas except for executive functioning where the Court reserves ruling. It will be necessary for Defendant to make a proffer of the expert(s) limited to executive functioning related to the conduct alleged prior to any mention before the jury.

(2) United States' Second Motion in Limine (Doc. 36) regarding receipts is **GRANTED** at this time. If Defendant intends to use the receipts, he must inform the Court outside the presence of the jury.

(3) United States' Third Motion in Limine (Doc. 40) regarding Defendant's Military Service is **DENIED** subject to the Court's stated limitation.

(4) Defendant's Motion in Limine (Doc. 46) regarding the 2005 FEMA application is **GRANTED**. If the Government intends to seek introduction of the application, it must first inform the Court outside the presence of the jury.

**DONE AND ORDERED** at Fort Myers, Florida, this February 1, 2019.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: Counsel of Record