

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

UNITED STATES OF AMERICA

VS.

CASE NO. 5:22-cr-84-JA-PRL

HENRY TROY WADE

ORDER

This case is before the Court on the Defendant's motions in limine (Docs. 88 & 91) and the Government's responses (Docs. 92 & 95). Having reviewed the parties' submissions, the Court finds that the motions must be denied.

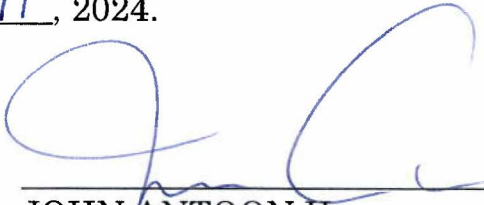
The Defendant is charged with six counts of wire fraud under the theory that he schemed to defraud the Small Business Administration (SBA) by knowingly submitting false Economic Injury Disaster Loan (EIDL) applications. (*See* Doc. 1). The six counts correspond to six electronic deposits from the SBA to MidFlorida bank accounts allegedly controlled by the Defendant. (*Id.* at 5). The Defendant pleads not guilty to all counts. (*See* Doc. 7).

At trial, the Government plans to introduce evidence of EIDL applications and MidFlorida bank transactions that are not listed in the indictment. (*See* Doc. 88-1 ¶ 2; Doc. 91 at 3). The Defendant argues that this evidence should be excluded under Federal Rules of Evidence 404(b)(1) and 403, respectively, because it is not relevant to a purpose other than his character or propensity

and its probative value is substantially outweighed by risks of unfair prejudice, confusing the issues, and misleading the jury. (See Docs. 88 & 91). The Government responds that the evidence is admissible to prove the Defendant's opportunity, intent, plan, identity, absence of mistake, and lack of accident under Rule 404(b)(2) and that the evidence's probative value is not substantially outweighed under Rule 403. (See Docs. 92 & 95). The Government further contends that the uncharged MidFlorida transactions are inextricably intertwined with the charged offenses because the transactions show that the Defendant used the SBA funds for illegitimate reasons. (Doc. 95 at 11-13).

The Court agrees with the Government. Accordingly, it is **ORDERED** that the Defendant's motions in limine (Docs. 88 & 91) are **DENIED**.

DONE and **ORDERED** on April 11th, 2024.



JOHN ANTOON II
United States District Judge

Copies furnished to:
United States Marshal
United States Attorney
United States Probation Office
United States Pretrial Services Office
Counsel for Defendant
Henry Troy Wade