

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 1:20CR27

RETA P. MAYS

**DEFENDANT’S MOTION IN LIMINE AT SENTENCING
RE: VICTIM IMPACT STATEMENT**

Comes now, Brian J. Kornbrath, Federal Public Defender and counsel for the defendant in the above case, moving this Court to bar the government from publishing at sentencing the very last portion of a victim impact statement recorded by video. The Court has received and reviewed a copy of the video recorded statement at issue. There is no need here to repeat that portion of the statement deemed objectionable.

The Crime Victims’ Rights Act is found at 18 U.S.C. § 3771. Subsection (a)(4) allows a crime victim “[t]he right to be **reasonably** heard at any public proceeding in the district court involving . . . sentencing . . .” (emphasis added).

The statement at issue is anything but reasonable. This is self-evident. The highly derogatory language demeans the dignity of a courtroom setting. It should not be made a part of the upcoming sentencing proceeding. The government has the technological means to remove this particular portion of the video impact statement and publishing the remainder at sentencing.

WHEREFORE, based on the foregoing, the Court is respectfully requested to grant defendant's motion in limine and bar the government from publishing that portion of its victim impact statement as referenced above.

Respectfully submitted,

RETA P. MAYS

By Counsel

By: s/ Brian J. Kornbrath
Brian J. Kornbrath
WV State Bar No. 7330
Attorney for Defendant
Federal Public Defender Office
230 West Pike Street; Suite 360
Clarksburg, West Virginia 26301
Tel. (304) 622-3823
Fax. (304) 622-4631
E-Mail. Brian.Kornbrath@fd.org

CERTIFICATION OF SERVICE

I hereby certify that on May 10, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Jarod J. Douglas, Esq.
Office of the United States Attorney
1125 Chapline Street
Wheeling, West Virginia 26003
(304) 234-0100

By: s/ Brian J. Kornbrath
Brian J. Kornbrath
WV State Bar No. 7330
Attorney for Defendant
Federal Public Defender Office
230 West Pike Street; Suite 360
Clarksburg, West Virginia 26301
Tel. (304) 622-3823
Fax. (304) 622-4631
E-Mail. Brian.Kornbrath@fd.org