

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PA :
 :
 vs. : No. CR-1469-2019
 :
 MIRANDA ALI, : Motion in Limine
 Defendant :

OPINION and ORDER

Before the Court is the Commonwealth's Motion in Limine filed on March 18, 2021 seeking to preclude Defendant from introducing or referencing in any manner, evidence relating to the alleged victim's relationship with the defendant's husband. This would include face-to-face conversations, call records and/or social media messages. Argument was held prior to jury selection in this matter on March 24, 2021.

Defendant was somewhat circumscribed in providing a specific offer of proof with respect to the proffered evidence as well as describing how the evidence was relevant. Indeed, Defendant appeared to present different versions of both the proffered evidence and how it tended to prove or disprove a contested element of the case. Instead, Defendant relied on conclusory arguments including her right to impeach a witness, her right to test a witness's credibility, and her right to test the potential bias of the alleged victim.

While the court will not prohibit Defendant from attempting to introduce relevant evidence or to attack the credibility of the Commonwealth's alleged victim, the court will not permit Defendant to cross-examine the alleged victim on collateral or non-relevant matters. As well, the court will prohibit Defendant from introducing other evidence not relevant to the issues in dispute.

More specifically, Defendant is charged with, among other charges, burglary. With respect to the burglary charge, the Commonwealth must prove among other things, that Defendant entered a building with the intent to commit a crime. 18 Pa. C.S.A. § 3502(a).

The alleged victim's alleged relationship with Defendant's husband is not at all relevant to this issue and Defendant will not be permitted to introduce any evidence relating to the alleged relationship unless the Commonwealth opens the door through direct testimony. Even then, the evidence must be such that it is not speculative. Moreover, the probative value of the evidence must not be outweighed by unfair prejudice, confusing the issues or misleading the jury. *See*, Pa. R.E. 403.

The court notes that Defendant has not argued and specifically disclaims any argument that the proffered evidence is relevant to the alleged victim's bias against the defendant or motive to fabricate.

ORDER

AND NOW, this 14th day of April 2021, the Commonwealth's Motion in Limine is **GRANTED** without prejudice to Defendant to make a specific proffer during trial, outside the presence of the jury, along with a request to reconsider this ruling. Absent a specific authorization by this court, Defendant is precluded from arguing or introducing through cross-examination, direct examination or other evidence, all evidence relating to an alleged relationship between the victim and Defendant's husband.

By The Court,

Marc F. Lovecchio, Judge

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