

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

August 18, 2006

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**RE: Hooks v. Hammond and Mack
C. A. No. 05C-05-008 THG**

Dear Counsel:

I have Plaintiff's Motion in Limine requesting that prior convictions be considered inadmissible. The Defendants oppose this Motion in Limine, citing DRE 609. Defendants also state that they are not attempting to pursue the introduction of any prior convictions for purposes of DRE 404(b).

Convictions within ten years that go to dishonesty or trustworthiness are admissible under DRE 609 without a balancing test. They are permissible for impeachment purposes but, of course, a limiting instruction would be provided to the jury.

I was going to make this ruling at the pretrial conference but I note that is several months away and I am under the impression that a decision sooner as opposed to later may be helpful to you.

Therefore, I shall classify this as a tentative decision in which reargument does not have to be filed within five days, thereby allowing this issue to be revisited at the pretrial conference. I don't want to get into a situation where I've locked in on the law of the case at this point in time.

Yours very truly,

T. Henley Graves

THG:baj
cc: Prothonotary