

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION

NATAVIA WILLIAMS

PLAINTIFF

No. 2:17-cv-80-DPM

CHARLES BYRD, Individually  
and In His Official Capacity as a  
Police of the City of Helena-West  
Helena

DEFENDANT

ORDER

1. For the reasons stated on the record at the 19 February 2019 hearing, Byrd's motion in *limine*, No 22, is mostly granted and partly denied. The criminal charge against Byrd, his arrest, his apology, and the dismissal of the charge are excluded. The fact that the City did an internal investigation is admissible. So is the generic fact that he was disciplined. But, it would confuse the issues, and risk unfair prejudice, to go much deeper than that into the investigation details. We're not going to try the investigation. There may be slivers in the investigation-related documents that are admissible; for example, statements by Byrd. FED. R. EVID. 801(d)(2). Counsel must approach for a bench ruling before getting into any details. Counsel may file a bench brief for reconsideration on the "Byrd lied" testimony from Green in due course.

2. Williams's oral motion to dismiss the official capacity claim is granted. Any motion by Williams to non-suit the remaining claim against Byrd in his individual capacity is due by 22 February 2019. Please file notice, and related papers, about Byrd's bankruptcy by the same date.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.  
United States District Judge

20 February 2019