

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

UNITED STATES OF AMERICA

PLAINTIFF

v.

NO. 3:09-CV-00031 BSM

BOBBY L. HURT AND SUE R. HURT

DEFENDANT

ORDER

The government motion to prohibit defendants Bobby L. Hurt and Sue R. Hurt from showing a video deposition of Amber Brown (Doc. No. 68) is denied. The government maintains that the video deposition was taken while Brown was incarcerated and that she was wearing a prison uniform in the deposition. The government asserts that this will confuse and distract the jury from the substance of Brown's testimony. The government is in essence asserting that the prejudicial effect of seeing Brown in the prison uniform outweighs the probative value of the video deposition. Although this is a close call, the Hurts have a right to use the deposition and the government's motion is therefore denied.

Accordingly, the government's motion (Doc. No. 68) is denied and the video may be shown to the jury.

IT IS SO ORDERED this 18th day of August, 2010.


UNITED STATES DISTRICT JUDGE