

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
NORTHERN DIVISION  
COVINGTON**

**CRIMINAL ACTION NO. 11-70-DCR**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**V. UNITED STATES'S SECOND MOTION IN LIMINE**

**RONALD E. WEINLAND**

**DEFENDANT**

\* \* \* \* \*

Comes now the United States of America, by and through counsel, and moves this Court for an Order excluding from admission out of court statements of Ronald E. Weinland, the Defendant herein, as hearsay.

The Defendant is the leader of the Church of God – Preparing for the Kingdom (COG). The COG distributes the Defendant's sermons to its local congregations via the internet. Often the sermons are received live over the internet. Other times, the Defendant's sermons are pre-recorded. Many, if not all, of the Defendant's sermons are recorded. In addition, the Defendant has given hundreds of hours of interviews and wrote two books.

One issue in this case will be the reason the Defendant transferred money to a Swiss bank account. The United States believes the money to have been for the benefit of the Defendant and his family and, therefore, a personal transaction. The Defendant may claim he held the money there in trust for COG. In support of his contention, the

Defendant provided a copy of a 2002 sermon in which the Defendant talks about putting some money in an account overseas.

The Defendant's out of court statements are inadmissible hearsay under Rule 802 of the Federal Rules of Evidence. FED. R. EVID. 802 prohibits the admission into evidence of out-of-court statements, except as permitted by the Rules, or other rules prescribed by the Supreme Court, or statutory authority or by Act of Congress. FED. R. EVID. 802. Not all out-of-court statements qualify as hearsay. *United States v. McDaniels*, 398 F3d. 540, 547 (6th Cir. 2005). FED. R. EVID. 801(d)(2) excludes from hearsay admissions by party opponents when offered against the party. *Id.* "Rule 801(d)(2), however, does not extend to a party's attempt to introduce his or her own statements through the testimony of other witnesses." *Id.* Permitting the admission of such statements would undermine the adversarial process by allowing a defendant to effectively testify without being subjected to the oath, cross examination, and first hand scrutiny by the jury. *Id.*

In this case, there are many statements and records made by the Defendant the United States may admit pursuant to FED. R. EVID. 802(d)(1). The Defendant, however, must not be permitted to attempt to rebut those statements by the admission of the Defendant's other out-of-court statements. Defendant's sermons concerning the money he placed in a bank account in Switzerland or statements related to its return are inadmissible hearsay. The statements are only one example of the Defendant's statements that the Defendant may attempt to use in this manner.

**WHEREFORE**, the United States moves this Court for an order prohibiting the Defendant from soliciting or inquiring about the Defendant's out-of-court statements, whether verbal or written, during the cross and direct examinations of the witnesses.

Respectfully submitted,

KERRY B. HARVEY  
UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 21, 2012 the foregoing was electronically filed through the CM/ECF system, which will send notice of the filing to counsel of record.

/s/ Robert K. McBride  
Assistant United States Attorney