

[CAPTION]

**MOTION IN LIMINE: PERSONAL KNOWLEDGE**

Comes now the Accused and moves the Court for an Order compelling the Government to instruct its witnesses that their testimony must be limited to matters of personal knowledge pursuant to the provisions of Indiana Rule of Evidence 602.

Respectfully submitted,

(signature)

**Authority**

Dunn v. State, 919 N.E.2d 609 (Ind. Ct. App. 2010) (Defendant's girlfriend's voicemail message to victim that Defendant acted out of jealousy when he hit victim was based on personal knowledge even though girlfriend testified she did not see Defendant hit victim; other witnesses testified she saw the incident and tried to stop Defendant. ("Evidence of personal knowledge may, but need not, consist of testimony of the witness." Rule of Evid. 602)).

Baran v. State, 639 N.E.2d 642 (Ind. 1994) (officer's inability to remember every detail of facts leading up to motorist's arrest went only to weight, and not to admissibility).

Hicks v. State, 690 N.E.2d 215 (Ind. 1997) (witness' testimony that she told Defendant on day his girlfriend's body was discovered that he should go to girlfriend's home or "they would assume he did it," did not violate Rule 602; witness did not testify as to what "they" actually thought, but only to fact that she told Defendant others might be suspicious).