

information provided under oath and he testified in a Section 341 hearing,

11 U.S.C. § 341 (“Meetings of Creditors and Equity Security Holders”), for the purpose of advising his creditors of his assets and liabilities. The Government argues that Mr. Bryant gave false information in his petitions for bankruptcy protection and at the Section 341 hearing and that these false statements were, at least in part, for the purpose of hiding the bank accounts of his electrical business (which accounts were allegedly used in the conspiracy) and his income from the charged conspiracy. The Court cannot now evaluate the scope of the conspiracy or whether Mr. Bryant’s sworn statements in his bankruptcy proceeding were intrinsic to it.

However, such evidence is at least extrinsic evidence of “bad acts” that is admissible under Federal Rule of Evidence 404(b). Rule 404(b) provides that evidence of “other crimes, wrongs, or acts” is admissible for any non-propensity purpose, including motive, intent, plan, knowledge, and absence of mistake. *See United States v. Bowie*, 232 F.3d 923, 930 (D.C. Cir. 2000). The Government alleges that Mr. Bryant gave false information in the bankruptcy proceedings as part of the motive, intent, or plan of the other charged crimes. Turning to Federal Rule of Evidence 403,¹ the Court has considered whether the probative value of such evidence is substantially outweighed by unfair prejudice, and concludes that it is not. “Rule 403 ‘tilts, as do the rules as a whole, toward the admission of evidence in close cases,’ even when other crimes evidence is involved” and “‘it is a sound rule that the balance should generally be struck in favor of admission when the evidence indicates a close relationship to the event charged.’” *United States v. Cassell*, 292 F.3d 788, 795 (D.C. Cir. 2002) (quoting *United*

¹ Fed. R. Evid. 403 (“The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.”).

