

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:14-cr-00244

DONALD L. BLANKENSHIP,

Defendant.

ORDER

The Court has reviewed the Defendant's *Motion to Strike Government Exhibit 83, to Exclude any Similar Evidence, and for a Curative Instruction* (Document 474) and the *United States' Response to Defense Motion to Strike Government's Exhibit 83, to Exclude any Similar Evidence, and for a Curative Instruction* (Document 487). For the reasons previously set forth on the record regarding the admissibility of this exhibit, and because the Court finds no evidence of unfair surprise and no violation of Fed.R.Crim.P. 16, the Court **ORDERS** that the motion be **DENIED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: November 10, 2015



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA