

Form H4-1. Motion in Limine to Exclude Evidence and Argument That a Witness's or Party's UAP Experience Shows Mental Illness

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Use. The opposing party has indicated (by witness list, deposition questioning, an expert report, or argument) that it will use a witness's or party's report of a UFO or UAP sighting, contact, or abduction, or belief in non-human intelligence, to suggest that the person is mentally ill, delusional, or unreliable. The motion asks the court to require an evidentiary foundation before any such evidence or argument is presented, and to bar ridicule. It does not ask the court to find that the experience was what the person believes it was.

When to use. Criminal trials (for a complaining witness, defense witness, or defendant who testifies), civil trials, and family-court hearings. **Not for:** Competency or commitment proceedings, where the experience will be part of the evaluation; use [Form H4-2](#) to address the evaluator.

Deadlines. Under the court's pretrial order or local rule for motions in limine.

**[COURT]
[COUNTY / DISTRICT]**

[CAPTION]

Case No. [_____]

**[PARTY]'S MOTION IN
LIMINE TO EXCLUDE
EVIDENCE AND ARGUMENT
THAT [WITNESS]'S
REPORT OF AN
UNIDENTIFIED ANOMALOUS
PHENOMENON SHOWS
MENTAL ILLNESS OR
UNRELIABILITY**

[Party] moves in limine for an order (1) barring any party from offering evidence, questioning a witness, or making argument that [Witness]’s report of [describe briefly: a sighting of an unidentified object on (date) / an experience of being taken from (place)] or [Witness]’s beliefs about unidentified anomalous phenomena (UAP) or non-human intelligence show mental illness, delusion, or unreliability, unless that party first makes an offer of proof outside the jury’s presence, through a qualified expert, that the experience or belief is a symptom of a mental disorder that impairs [Witness]’s ability to perceive, remember, or relate events truthfully; and (2) barring argument that ridicules the experience or invites the jury to discount [Witness]’s testimony because of its subject.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Background

[Witness] is expected to testify about [the events at issue]. [Describe the experience and how it came up, e.g., “At deposition, (Witness) was asked about and described an observation of an object over (place) in (year). (Opposing party)’s counsel asked whether (Witness) ’believes in aliens’ and has listed a psychologist who has not examined (Witness).”]

[Witness] has no diagnosis of a psychotic disorder [or: describe the history accurately], works as [____], and [describe ordinary functioning].

1 **II. Evidence of mental condition requires a foundation connecting the condition to**
2 **the witness’s capacity to testify truthfully.**

3 A witness’s mental condition is a proper subject of impeachment only where there is
4 evidence that the condition affects the witness’s ability to perceive, recall, or relate the truth. In
5 *State v. Fichera*, 153 N.H. 588, 903 A.2d 1030 (2006), the defense sought to cross-examine an
6 attempted-murder victim about her “unusual beliefs,” including belief in UFOs and spirits. The
7 trial court observed that such beliefs “don’t really go to mental illness,” and the New
8 Hampshire Supreme Court affirmed the exclusion: absent an offer of proof that the beliefs were
9 symptoms of an illness that caused the witness to lie or hallucinate or impaired her ability to
10 relate the truth, they were not relevant to credibility. *Id.* at 597-601, 903 A.2d at 1037-41. The
11 court reached the same result under the Confrontation Clause. *Id.* The Appellate Court of
12 Maryland applied the same foundation requirement in *Nensala v. State*, 268 Md. App. 519, 351
13 A.3d 86 (2026). [Add the forum’s own authority on impeachment by mental condition.]

14 No such foundation exists here. [No expert has examined (Witness). / The opposing
15 party’s expert has offered no opinion that (Witness) has a disorder affecting perception or
16 truthfulness.] Questions about the experience would invite the jury to speculate that an unusual
17 experience is itself a sign of illness.

18 **III. The experience is not a “delusion” by its content, and official sources now treat**
19 **UAP as real.**

20 A delusion, as psychiatry defines it, is a false belief firmly held despite clear evidence
21 to the contrary that is not “ordinarily accepted by other members of the person’s culture or
22 subculture.” American Psychiatric Association, *Diagnostic and Statistical Manual of Mental*
23 *Disorders*, Glossary of Technical Terms (5th ed. 2013). The intelligence community has
24 reported that “[s]ociocultural stigmas” are an obstacle to collecting data on UAP and that
25 aviators and analysts “describe disparagement associated with observing UAP, reporting it, or
26 attempting to discuss it with colleagues.” Office of the Director of National Intelligence,
27 *Preliminary Assessment: Unidentified Aerial Phenomena* 4 (June 25, 2021). Members of
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1 Congress have said that “the stigma associated with UAPs has gotten in the way of good
2 intelligence analysis” and that “[p]ilots avoided reporting or were laughed at when they did”
3 (House Permanent Select Committee on Intelligence subcommittee hearing, May 17, 2022
4 (statement of Rep. Carson)). Congress has created channels for reporting UAP and protections
5 for those who report. 50 U.S.C. §§3373, 3373b. A report of this kind is one that credible people
6 make, and its content alone says nothing about the reporter’s mental health.

7 **IV. The evidence fails Rules 401 and 403.**

8 Without a foundation, the evidence has no tendency to show that [Witness]’s testimony
9 about [the events at issue] is inaccurate. Fed. R. Evid. 401. Any slight value is substantially
10 outweighed by the danger of unfair prejudice, confusion of the issues, and waste of time. Fed.
11 R. Evid. 403. The subject invites ridicule, and a jury may discount the witness’s account of
12 unrelated events because of it.

13 **V. Rule 608 does not permit the inquiry, and Rule 610 confirms the principle.**

14 Rule 608(b) permits inquiry into specific instances of conduct probative of character for
15 truthfulness. A sincere report of an experience is not an instance of untruthful conduct. Rule
16 610 bars evidence of a witness’s religious beliefs or opinions to attack or support credibility. [If
17 applicable:] [Witness]’s beliefs about non-human intelligence are part of [Witness]’s [religious
18 or spiritual practice], and Rule 610 applies directly. [Otherwise:] The rule reflects the principle
19 that a jury should not weigh testimony by the witness’s beliefs on contested matters of faith or
20 worldview, and that principle applies here.

21 **VI. Argument ridiculing the experience should be barred.**

22 Counsel may not argue facts not in evidence or appeal to the jury’s prejudices. [Cite the
23 forum’s rule on improper argument.] Sarcasm about being “abducted by a UFO” directed at a
24 witness who has reported such an experience is an appeal to prejudice, and it has no proper
25 purpose once the evidence is excluded.

26 **VII. Requested order**

[Party] requests an order that: 1. No party shall offer evidence, ask questions, or make argument suggesting that [Witness]’s report of [the experience] or beliefs about UAP or non-human intelligence show mental illness, delusion, or unreliability, unless the party first makes an offer of proof outside the jury’s presence, through a qualified expert who has examined [Witness] or reviewed sufficient records, that the experience or belief is a symptom of a mental disorder that impairs [Witness]’s ability to perceive, remember, or relate events truthfully, and the Court rules the evidence admissible. 2. No party shall make argument that ridicules [Witness]’s experience or beliefs. 3. Counsel shall instruct their witnesses accordingly. [Alternative, if the Court admits some evidence:] [Party] requests a limiting instruction that the jury may consider the evidence only as it bears on [Witness]’s ability to perceive and relate the events at issue, and may not consider the subject of the experience as evidence of mental illness.

Dated: [_____]

[Signature block]

[PROPOSED] ORDER

The motion is GRANTED. [Text of paragraphs 1-3 above.]

[Judge]

Drafting notes

- Describe the witness’s history accurately. If the witness has a relevant diagnosis, the motion should concede it and argue only that the UFO content adds nothing to it.
- In family court, recast the motion around the nexus rule: a parent’s belief or report counts only on evidence that it has led to conduct harming the child ([Issue H4 §4.4](#), citing *Kingston v. Kingston*, 2022 UT 43, 532 P.3d 958, and the forum’s religious-belief custody cases).
- If the witness is the defendant in a criminal case and an alien-control or similar defense is contemplated, see *State v. Moody*, 192 Ariz. 505, 968 P.2d 578 (1998) (defense

1 rejected as a matter of law). This motion protects credibility; it does not support such a
2 defense.

- 3 • [Issue H4](#) sets out the case law and the official record.
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