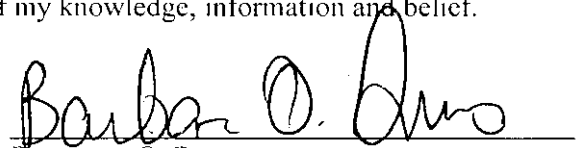


1 field of firearm and toolmark identification due to their lack of personal experience in the field.
2 Absent any actual experience in the field, both men are just lay witnesses offering a personal
3 opinion about the science. This type of opinion testimony is not allowed under the rules of
4 evidence and should not be admitted. Furthermore, their testimony is likely to confuse the jury,
5 instead of assist it, in understanding the evidence that will be presented. The testimony sought
6 by the defendant is more of a challenge as a matter of law, rather than expert testimony supported
7 by a factual basis that would assist the trier of fact in determining a fact at issue. The State seeks
8 an order precluding Tobin and Speigelman from testifying at trial.

9 I certify (or declare) under penalty of perjury under the laws of the State of Washington
10 that the foregoing is true and correct to the best of my knowledge, information and belief.

11 DATED: July 20, 2016
12 PLACE: Port Orchard, WA

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14 BARBARA O. DENNIS

15 Prosecutor's File Number-15-143920-5
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