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## IN THE KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON,		) No. 15 1 00072 7
	Plaintiff,	) No. 15-1-00972-7 )
		) MOTION TO PRECLUDE DEFENDANT'S
v.		<ul><li>) "EXPERT" WITNESSES AND CERTIFICATE</li><li>) IN SUPPORT THEREOF</li></ul>
GERALDO CASTRO DEJESUS, Age: 31; DOB: 09/26/1984,		)
	Defendant.	) )

COMES NOW the Plaintiff, STATE OF WASHINGTON, by and through its attorney of record below-named, and hereby moves the Court for an order precluding the defendant from calling William Tobin and Clifford Speigelman as "expert" witnesses at trial.

This Motion is based upon the files and records herein, and the following certificate of counsel.

DATED this 20th day of July, 2016.

STATE OF WASHINGTON

BARBARA O. DENNIS, WSBA No. 34590

Deputy Prosecuting Attorney

## **Certificate of Counsel**

I, BARBARA O. DENNIS, am a duly qualified, appointed and acting Deputy Prosecuting Attorney for the above-named Plaintiff.

William Tobin and Clifford Speigelman should not be qualified as expert witnesses in the

MOTION AND CERTIFICATE; Page 1



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

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

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

Barbara O. Dennis

Prosecutor's File Number-15-143920-5

