

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Case No. 16 -F- 43

Dallas Michael Acoff

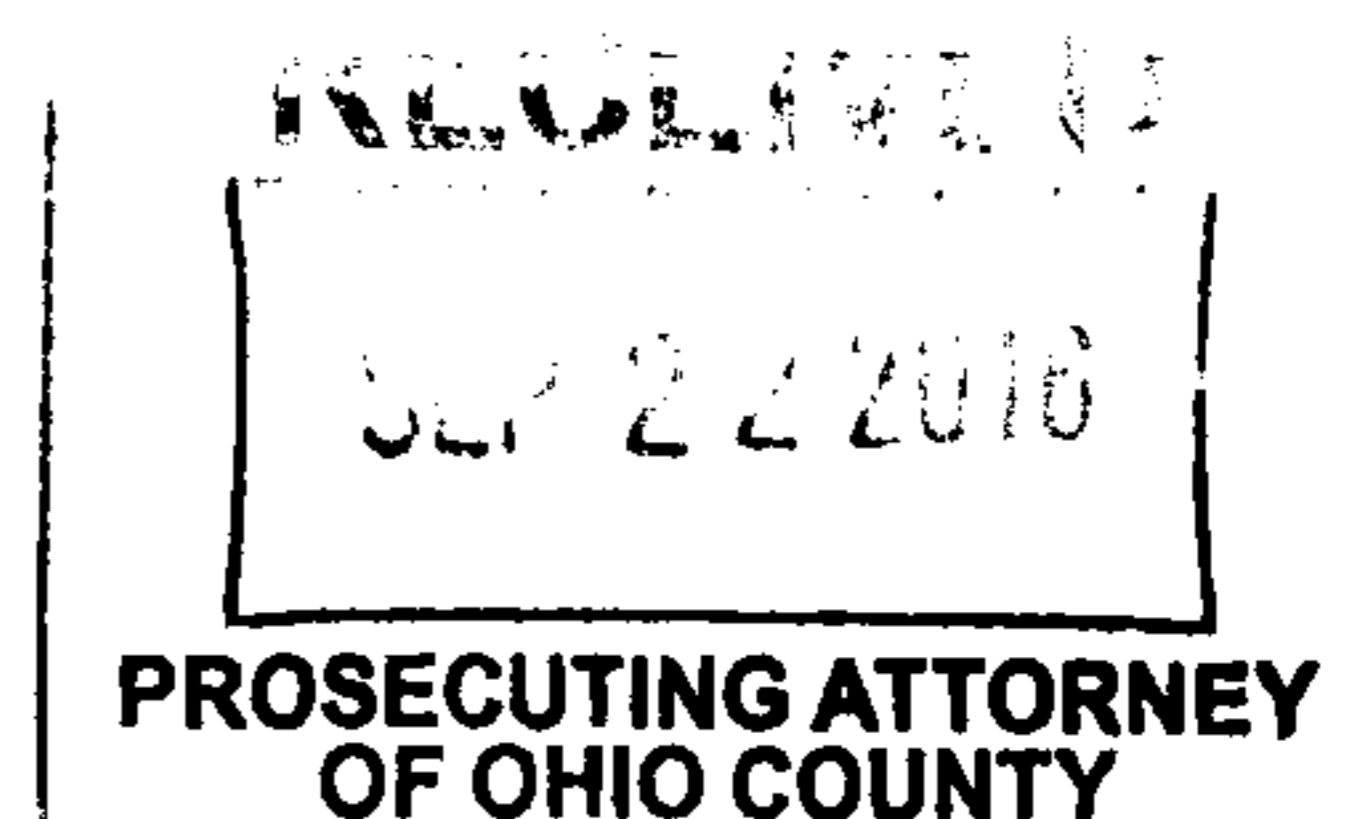
Motion to Re-open Daubert Hearing

Now comes the Defendant, Dallas Michael Acoff, by his undersigned attorneys and moves the Court to re-open the hearing on the admissibility of toolmark and firearm evidence. In support of this motion, the Defendant asserts that subsequent to the hearing on September 19, 2016 the "President's Council of Advisors on Science and Technology" issued a report concerning forensic evidence. This report was issued on September 20, 2016 and is entitled "Report on Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature Comparison Methods."

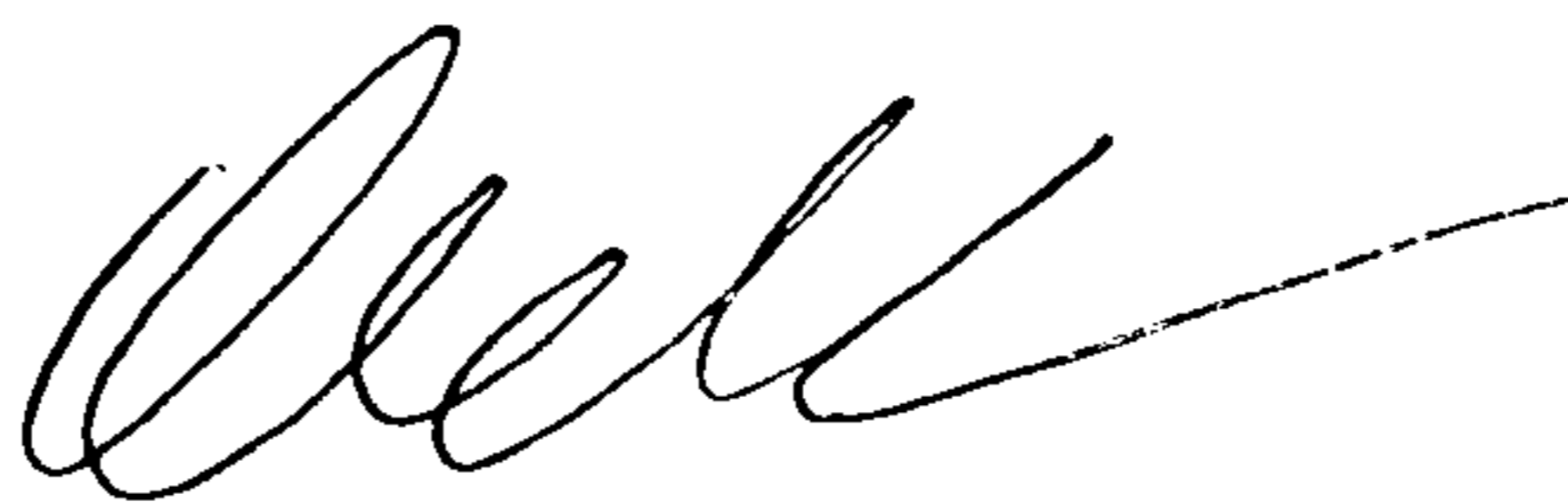
The report is 174 pages and includes conclusions relevant to Firearms and Toolmark identification. A copy has been printed and supplied to the Court and the Prosecutor. The report is also available at "<https://www.whitehouse.gov/adminis/eop/pcast/docsreptorts>" The undersigned located this report by running an internet search for "PCAST."

Upon information and belief, this Report would be a learned treatise and some cross examination of the proposed toolmark and firearm witness with respect to this report should be undertaken.

WHEREFORE the Defendant, Dallas Acoff, moves to reopen the hearing.



Respectfully submitted,



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CERTIFICATE OF SERVICE

I, MARTIN P. SHEEHAN, do certify that service of the foregoing document was served upon the Ohio County Prosecutors Office, 1500 Chapline Street, #216, Wheeling, WV 26003, by Hand Delivery this 22nd day of September, 2016.



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