

The following is the official comment from the AFTE Board of Directors regarding the recent Maryland Supreme Court decision:

*The Association of Firearm & Tool Mark Examiners (AFTE) is currently in the process of reviewing the Supreme Court of Maryland case Abruquah v. State of Maryland.*

*Instances where testimony related to the science of Firearm & Tool Mark Identification is limited or where the court's opinion is that testimony should have been limited, as in this case, are of concern to AFTE and is inconsistent with the research that has been conducted over many decades.*

*The majority opinion of the Court in this case is in opposition to most courts both here in the United States and Internationally. It should be noted that the vast majority of decisions related to Firearm & Tool Mark Identification have been and continue to be favorable. Furthermore, we agree with the dissenting opinions, that the Court's majority opinion recognizes the circuit court acted deliberately and thoughtfully when analyzing the admissibility issues. Unfortunately, the majority opinion came to a different conclusion regarding this issue and focused on the qualifications that they believed should accompany an opinion; however in doing so, they provided no guidance on what this qualification should be, leaving the lower courts to make these scientific decisions and usurping the role of jurors in our legal system. This also establishes an expectation that trial judges will need to become "amateur scientists" in a manner that we believe is incongruent with both the Maryland Rochkind and United States Daubert standards. To quote Justice Gould: "The Majority's opinion leaves trial courts rudderless at sea in evaluating this type of evidence henceforth."*

*As stated, this decision is in review and further commentary may be forthcoming.*