

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF THE VIRGIN ISLANDS**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL ACTION</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>NO. 3:19-79</b>
	<b>:</b>	
<b>IVAN JAMES, KAI JAMES, JOH</b>	<b>:</b>	
<b>WILLIAMS, MALACHI BENJAMIN,</b>	<b>:</b>	
<b>JAHKIEBO JOSEPH, ARIEL</b>	<b>:</b>	
<b>PETERSEN</b>	<b>:</b>	

**ORDER**

**AND NOW**, this 16<sup>th</sup> day of January 2024, upon considering Defendants Petersen’s, Ivan James’s, and Williams’ joint Motion to limit the testimony of the United States’ proposed experts in firearm identification and request for *Daubert* hearing (ECF No. 589), the United States Response (ECF No. 664), after evaluating the extensive evidence adduced during the requested evidentiary hearing, and finding the United States’ proposed experts Kevin Rippman and Major Wells thoroughly explained the science, process, and practice of firearm toolmark examination as introduced by the persuasive testimony of Todd Weller convincing us the United States’ specific firearm toolmark expert opinions are admissible under Rule 702 as detailed in today’s accompanying Memorandum with Findings, it is **ORDERED** Defendants’ Motion (ECF No. 589) is **GRANTED in part** and **DENIED in part**:

1. Kevin Rippman and Major Wells may offer opinions subject to fulsome cross-examination:
  - a. on whether the shell casing and/or bullets they studied were fired from a particular firearm or whether two or more casings and/or bullets were fired from the same firearm, but may not further elaborate as to their 100% degree or percentage of certainty;
  - b. discussing class, subclass, and individual characteristics; and,

2. The United States may, subject to foundation, introduce the comparison photographs.

  
**KEARNEY, J.**