State of Delaware vs. Neki Gibbs

Case# 1809003017

Superior Court of Delaware, New Castle

September 4, 2019

Synopsis:

The defense challenged the admissibility of firearms evidence under the Daubert standard and Delaware Rule of Evidence 702. The motion to exclude was denied. The court further opined that it would not preclude the expert from using the words “identification” or “match”. However, the expert was precluded from testifying to the following:

* The expert cannot state 100% certainty of findings.
* If the word “match” or “identification” is used, the expert cannot testify to the exclusion of all other firearms in the world or that is practically impossible that any other firearm could have fired the recovered items.
* The expert cannot testify with a reasonable degree of scientific certainty regarding the words “match” or “identification”.