

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal Action No. 2020-0002
)	
MARIO FELIX,)	
)	
Defendant.)	
)	

Attorneys:
Rhonda Williams-Henry, Esq.,
 St. Croix, U.S.V.I.
For the United States

Kia Danielle Sears, Esq.,
 St. Thomas, U.S.V.I.
For Defendant

MEMORANDUM OPINION

UPON CONSIDERATION of Defendant’s “Motion to Limit the Testimony of the Government’s Proposed Expert Witness in Firearms Examination” (“*Daubert* Motion”) (Dkt. No. 24); the Government’s Opposition to the *Daubert* Motion (Dkt. No. 25); Defendant’s “Post-hearing Brief in Support” of the *Daubert* Motion (Dkt. No. 166); and the Government’s Supplement to its Opposition (Dkt. No. 167); and for the reasons stated in the accompanying Memorandum Opinion, filed contemporaneously herewith, it is hereby

ORDERED that Defendant’s *Daubert* Motion (Dkt. No. 24) is **GRANTED IN PART AND DENIED IN PART**; and it is further

ORDERED that Defendant’s *Daubert* Motion is **GRANTED** insofar as the Government’s expert, Reynold DeSouza, may not testify that the cartridge cases that were recovered matched, or came from, the firearm that was recovered; and it is further

ORDERED that Defendant’s *Daubert* Motion is otherwise **DENIED**; and it is further

ORDERED that DeSouza’s testimony may include:

- (1) the theory of firearms and toolmark analysis;

- (2) the procedures he undertook to examine the cartridge cases, including inspecting and testing the firearm recovered, and his use of a comparison microscope to compare the cartridge cases to those test-fired from the recovered firearm;
- (3) whether the class characteristics matched; and
- (4) whether he found individual toolmarkings on the recovered cartridge cases to be consistent with those test-fired from the recovered weapon;

and it is further

ORDERED that DeSouza may use comparison photographs to describe or show what he concludes were consistent toolmarks from the recovered cartridge cases and those that were test fired.

Date: November 28, 2022

_____/s/_____
WILMA A. LEWIS
District Judge