United States vs. Marcus Jay Davis

Case# 4:18-cr-00011

United States District Court for the Western District of Virginia, Danville Division

September 11, 2019

Judge Michael F. Urbanski

Synopsis:

The defense challenged the admissibility of the firearms evidence under the Daubert standard and Federal Rule of Evidence 702. The court [in part] granted and denied the motion from defense. The court found that the expert’s in this case may do the following:

* provide testimony explaining their examination procedures
* describe any comparison photographs provided in the report.
* describe any similar characteristics in the toolmarks observed on examined cartridge cases and render an opinion as to whether the marks exhibited on the fired cartridge cases are consistent with each other.

The examiners may not do the following:

* opine that the cartridge cases were fired by the same firearm, or that they “match” to other cartridge cases or firearms.
* render an opinion that toolmarks reflect a “signature” pattern that can be used for identification
* make any statements of opinion regarding any level of certainty and/or the exclusion of other firearms to the “level of practical impossibility”.