United States vs. Alonzo Shipp

Case# 19-CR-029 (NGG

United States District Court for the Eastern District of New York

November 26, 2019

Judge Nickolas G. Garaufis

Synopsis:

The defense challenged the admissibility of the firearms evidence under the Daubert standard and Federal Rule of Evidence 702. The court relied heavily on the PCAST report specifically focusing on challenges to peer review and the AFTE theory of Identification. The court denied the defendant motion to exclude the firearm and toolmark evidence, but did place limitations on the testimony.

The scientist can:

* Describe the process for which comparisons are performed and the similarities between them.
* Describe the process for examining the recovered firearm and its operability.
* That the toolmarks on the recovered bullet fragment and cartridge cases are consistent with having been fired from the recovered firearm, and that the recovered firearm cannot be excluded as the source of the recovered items.

The scientist cannot:

* Testify to any degree of certainty that the recovered firearm is the source of the recovered fired ammunition components.