United States vs. Marquette Tibbs

Case# 2016 CF1 19431

Superior Court of the District of Columbia, Criminal Division

September 5, 2019

Judge Todd E. Edelman

Synopsis:

The defense motioned to exclude firearms evidence pursuant to the standard set by the District of Columbia Court of Appeals in *Motorola Inc. v. Murray, 147 A.3d 751(D.C. 2016*), by the Daubert standard, and under the Federal Rule of Evidence 702. The motion to exclude was based on the defense’s argument to the support of reliable principles and methods for firearms identification. After the evidentiary hearing the judge decided to restrict the testimony of the firearms examiner to the conclusion that “based on the consistency of the class characteristics and microscopic toolmarks, the firearm cannot be excluded as the source” of the fired cartridge case. The judged opined that the field of firearms examination does not have a sufficiently established error rate, is absent of an objective standard for identification, and is not sufficiently accepted outside of the community of firearms and toolmark examiners.