

IN THE DISTRICT COURT OF LINCOLN COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CF-95-104
	)	
JOSHUA D. STUMP,	)	
	)	
Defendant.	)	

FILED  
 JAN 2 1996  
 By Linda Siler, Cl. Clk., Lincoln Co., Okla. Deputy

MOTION IN LIMINE RE:  
PURPORTED QUALIFICATIONS OF TOM BEVEL

The Defendant, Joshua D. Stump, moves this Court to enter an order in limine prohibiting the prosecution in this case from qualifying, referring, mentioning at any time, or introducing Tom Bevel as an "internationally" or "nationally known blood splatter analyst".

In support of this motion, the Defendant would show the Court that this is not a qualification recognized by the Oklahoma Evidence Code, and instead, it is mere puffery and speculation. Moreover, this pseudo-qualification is, unlike any other qualification, mere opinion not subject to verification, and is vouchsafing for the credibility and the qualifications of the witness. Indeed, if the government is allowed to qualify their witness in this manner, the defense will be forced to present evidence concerning their witness's greater qualifications, attacking recognition, and questioning whether Tom Bevel is even well-known locally. This would turn a serious trial into a trial of side-show, collateral issues. The Defendant requests and in camera hearing on the matter.

WHEREFORE, premises considered, the Defendant prays that the Court grant this motion.

ORIGINAL

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**AUTHORITY:**

12 O.S. § 2105; 2401-2402; 2702-2705  
8th and 14th Amend., U.S. Const.

Respectfully submitted,

James T. Rowan  
James T. Rowan, OBA #7787  
Oklahoma Indigent Defense System  
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**ATTORNEY FOR JOSHUA D. STUMP**

**CERTIFICATE OF SERVICE**

This is to certify that on this 11<sup>th</sup> day of January, 1996, a true and correct copy of the above and foregoing instrument was mailed, postage pre-paid, to the office of Miles C. Zimmerman, Lincoln County District Attorney, P.O. Box 126, Chandler, Oklahoma 74834.

James T. Rowan  
James T. Rowan

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