

STATE OF MARYLAND

v.

EDWARD NERO

* IN THE
* CIRCUIT COURT FOR
* BALTIMORE CITY
* CASE NO.: 115141033
*

* * * * *

**DEFENDANT’S RESPONSE TO STATE’S MOTION *IN LIMINE* REGARDING THE
DEFENDANT’S PROPOSED EXPERT TESTIMONY AND REQUEST FOR HEARING**

Defendant, Edward Nero, by undersigned counsel, hereby submits this Response in Opposition to the State’s Motion *in Limine* regarding the Defendant’s Proposed Expert Testimony and Request for Hearing. In support thereof, Defendant states as follows:

1. The State’s Motion *in Limine* Regarding the Defendant’s Proposed Expert Testimony and Request for Hearing is nothing more than an fishing expedition intended to waste the Court’s time and further delay the Defendant’s trial. Any objections the State may have regarding the Defendant’s experts can, and should, be addressed during the *voir dire* process. The State’s Motion is thus premature and should be denied on this ground alone.
2. However, even assuming (without conceding) that the issues raised by the State are the proper subject of a motion *in limine*, the State’s Motion must be denied on its merits. The State’s first contention is that testimony from several of the Defendant’s expert witnesses, namely Professor Byron L. Warnken and Officer Joshua Rosenblatt, should be excluded because their opinions merely represent conclusions of law. State’s Mot. at ¶ 4. However, the State misinterprets the import of the testimony offered by these witnesses.

Professor Warnken is not merely a law professor who will opinion upon Fourth Amendment jurisprudence generally. Instead, as explained in the Defendant’s Initial Discovery Disclosure, Professor Warnken has been employed by both the Baltimore City and Baltimore County Police Departments to provide legal training to police officers, most recently upon the recommendation of State’s Attorney Marilyn Mosby. Accordingly,

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