

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

VS.

CASE NO: 2:20-cr-114-JES-MRM

CASEY DAVID CROWTHER

ORDER

This matter comes before the Court on Defendant's Motion In Limine to Permit Presence of Rebuttal Expert Witness in the Courtroom (Doc. #73), filed on March 8, 2021. The government's Response (Doc. #89) was filed on March 15, 2021. Also before the Court is the government's Motion in Limine to Prevent Testimony of Inadequately Disclosed Expert (Doc. #79) filed on March 11, 2021. Defendant's Opposition (Doc. #81) was filed on March 12, 2021.

In the first motion defendant essentially seeks to excuse his expert witness from the normal rule sequestering witnesses at trial. The motion will be granted, and the witness will be allowed to be present in the courtroom for all proceedings.

In the second motion the government seeks an *in limine* order preventing that same defense expert from testifying because her disclosure as an expert was untimely and the contents of defendant's expert disclosure is insufficient under Fed. R. Crim. P. 16(b)(1)(C). (Doc. #79, p. 6.) While the Court agrees with the government that the expert is not a "rebuttal" witness, the

Court finds that given the continuing discovery being provided by the government the disclosure of timely. The Court also finds that the Rule 16(b)(1)(C) disclosure is sufficient under the circumstances.

Counsel is reminded that a denial of a motion in limine to exclude evidence is not a ruling which admits any particular evidence. Thus, while the expert testimony is not excluded, the Court makes no determination of the admissibility of any anticipated testimony from the witness.

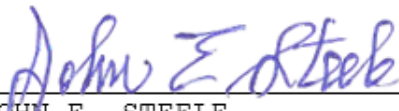
Accordingly, it is hereby

ORDERED:

1. Defendant's Motion In Limine to Permit Presence of Rebuttal Expert Witness in the Courtroom (Doc. #73) is **GRANTED**.

2. The Government's Motion in Limine to Prevent Testimony of Inadequately Disclosed Expert (Doc. #79) is **DENIED**.

DONE and ORDERED at Fort Myers, Florida, this 16th day of March, 2021.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record