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Motion In Limine to Limit Testimony of Dr. Roger Marsters

Terry H. Gilbert
Counsel for Sheppard Estate

George H. Carr
Counsel for Sheppard Estate

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WILLIAM H. HENST
CLERK OF COURTS
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CHARLES MURRAY, Administrator)	Judge Ronald Suster
of the Estate of)	
SAMUEL H. SHEPPARD)	Case No. 312322
)	
Plaintiff)	
)	<u>MOTION IN LIMINE</u>
vs.)	<u>TO LIMIT TESTIMONY</u>
)	<u>OF DR. ROGER MARSTERS</u>
STATE OF OHIO)	
)	
Defendant)	<u>Rule 104(A) Hearing Requested</u>
)	

Plaintiff hereby moves this Court for an Order limiting the testimony from Roger Marsters in several areas. Dr. Marsters' relationship to the case is as follows: as a biochemist, he was called in to assist Mary Cowan in conducting blood typing on various items of evidence. He was not a serologist, and only had experience in working with fresh blood - at the time, he was working for a blood bank. Prior to his work on the Sheppard case, he had no forensic experience other than in the area of paternity blood typing. He had no experience in the area of blood stain pattern analysis, nor in testing dried blood or blood from crime scenes. In 1955 he submitted an affidavit critical of the affidavit submitted by Dr. Paul Kirk regarding studies conducted on the closet stain in order to determine whether it was a different origin than Marilyn Sheppard.

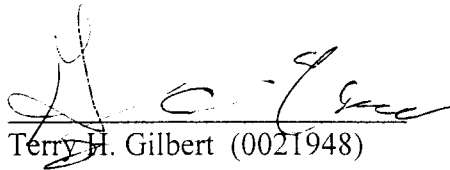
In response to this Court's order, Dr. Marsters provided an expert report dated February 23, 2000. The report goes into additional areas not included either in his 1955 affidavit or his 1966

testimony, and into areas in which he lacks expertise, and certainly beyond that which he discussed at his deposition on January 17, 2000.

Dr. Marsters is not competent to testify whether the origin of blood on the watch is spatter or not. Blood spatter analysis is an area of forensic science requiring specialized training, education or experience, which Dr. Marsters does not possess. Also, Dr. Marsters offers an opinion on whether or not Marilyn Sheppard bit her attacker and compares such a scenario with the "rain of blood" in the room. Once again, this witness does not have any expertise in this area of forensic study.

Therefore, Plaintiff moves this Court for an Order limiting the testimony of Dr. Marsters to the topics within his expertise as a fresh blood analyst and contained within his report. All other testimony by him should be prohibited.

Respectfully submitted,



Terry H. Gilbert (0021948)

George H. Carr (0069372)

1700 Standard Building

1370 Ontario Street

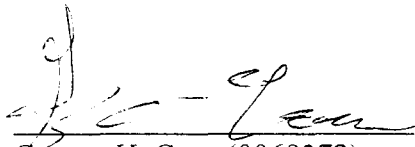
Cleveland, OH 44113

(216) 241-1430

Attorneys for Plaintiff

Certificate of Service

The undersigned certifies that the foregoing Motion *in limine* to Limit Testimony of Dr. Roger Marsters has been served on William Mason, Prosecuting Attorney, Justice Center, 9th Floor, 1200 Ontario Street, Cleveland, Ohio 44113 on this 13th day of March, 2000.


George H. Carr (0069372)
Attorney for Plaintiff