

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

MARIA MARRERO, Administratrix for the :  
Estate of Ernesto Morales, :  
Plaintiff, :  
v. : 3:14-cv-00831-WWE  
CITY OF HARTFORD, et al., :  
Defendants. :

**MEMORANDUM OF DECISION ON PLAINTIFF’S MOTION TO PRECLUDE  
THE EXPERT REPORT OF DANIEL WICKS**

Plaintiff has moved to preclude the report and testimony of Daniel Wicks, defendants’ expert on police practices. The Court, having reviewed and considered plaintiff’s motion, defendants’ response, and Mr. Wicks’ report, finds as follows:

Mr. Wicks will not be permitted to opine about case law, use of force standards under the Fourth Amendment, or legal conclusions to be drawn from the facts of this case. Nor will Mr. Wicks be permitted to reference his report, which does all of the above. Such testimony would invade the province of the Court and the jury. U.S. v. Bilzerian, 926 F.2d 1285, 1294 (2d Cir. 1991) (“As a general rule an expert's testimony on issues of law is inadmissible.”). However, Mr. Wicks may testify more generally and plaintiff may cross examine him about Hartford Police’ training and procedures on issues such as “the less lethal policy,” de-escalation, defensive tactics, reporting requirements on all use of force encounters, providing medical attention, supervisory review, investigations, etc.

SO ORDERED this 25<sup>th</sup> day of January, 2017, at Bridgeport, Connecticut.

/s/Warren W. Eginton  
WARREN W. EGINTON  
SENIOR UNITED STATES DISTRICT JUDGE