

[CAPTION]

**MOTION TO EXCLUDE OPINION OF EXPERT THAT IS OUTSIDE OF EXPERT'S  
AREA OF EXPERTISE AND UNRELIABLE**

The Defendant, by counsel, respectfully requests this Court to exclude the opinion of the State's witness, [insert name of witness], [insert witness opinion] from evidence at the trial in this cause. In support of the Motion, the Defendant states the following:

1. Counsel for the Defendant has reason to believe that the State is intending to introduce the opinion of [insert witness' name],[insert challenged opinion].
2. "If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise." Ind.R.Evid. 702(a).
3. An expert may not render an opinion beyond his area of expertise. Clark v. State, 562 N.E.2d 11 (Ind. 1990), *cert. den'd*, 112 S.Ct. 425 (1991).
4. [Insert qualifications, and lack thereof, of State's witness].

WHEREFORE, the Defendant, by counsel, respectfully requests this Court to exclude the opinion of the [insert witness' name], [insert challenged opinion] from evidence at the trial in this cause, and for all other relief just and proper in the premises.

(Signature)

**NOTE:** For additional caselaw, see IPDC Casebank O.7