

IN THE CRIMINAL DISTRICT COURT
OF THE FIFTEENTH JUDICIAL DISTRICT
IN AND FOR THE PARISH OF LAFAYETTE
STATE OF LOUISIANA

* * * * *

STATE OF LOUISIANA

VERSUS

DOCKET NO: 2013-CR-140554

CORLIOUS CORALL DYSON

* * * * *

The above-captioned case came up for ruling at the Lafayette Parish Courthouse, Lafayette, Louisiana, before the Honorable Michele S. Billeaud, District Judge, of the above-styled court, on Friday, June 2, 2023 pursuant to notice.

APPEARANCES:

FOR THE STATE OF LOUISIANA:

MR. FREDERICK "FRITZ" WELTER
ASSISTANT DISTRICT ATTORNEY
800 Buchanan Street, 6th Floor
Lafayette, Louisiana 70501

FOR THE DEFENDANT, CORLIOUS CORALL DYSON:

MR. CHAD IKERD
IKERD LAW FIRM
2901 Johnston St Ste 300
Lafayette, LA 70503

1 OPEN COURT
2 HONORABLE MICHELE S. BILLEAUD, DISTRICT JUDGE PRESIDING
3 FRIDAY, JUNE 2, 2023
4 RULING

5 * * * * *

6 THE COURT:

7 All right. Are ready to proceed on Mr.
8 Dyson?

9 MR. WELTER:

10 We are, Judge.

11 Frederick Welter for the State.

12 MR. IKERD:

13 Chad Ikerd on behalf of Mr. Dyson.

14 MR. WELTER:

15 And it's Docket Number 140554, the State
16 versus Corlious Dyson.

17 THE COURT:

18 All right.

19 LAW CLERK:

20 Judge, for the record, Mr. McCann called
21 and he's waiving his appearance.

22 THE COURT:

23 Okay. Mr. McCann is waiving his
24 appearance.

25 We are here today for me to put my
26 ruling on the record. This matter came up
27 for hearing on April 5th and 6th of 2023, and
28 May 3rd of 2023, on a motion to preclude
29 TrueAllele DNA results filed by the defense.
30 Present at those hearing dates was Mr. Fritz
31 Welter for the State; Mr. Randy McCann, Mr.
32 Chad Ikerd, and Mr. Jarrett Ambeau for the

1 defendant. Also present at those hearings
2 was Mr. Corlious Dyson.

3 The defense filed this Daubert motion to
4 preclude the State from presenting evidence
5 related to TrueAllele test results. Pursuant
6 to Daubert and its progeny, in Louisiana Code
7 of Evidence, Article 702, the Court's role in
8 a Daubert hearing is to act as a gatekeeper
9 to ensure that the evidence sought to be
10 admitted is both relevant and reliable.
11 Specifically under Article 702, a witness who
12 is qualified as an expert by knowledge,
13 skill, experience, training, or education may
14 testify in the form of an opinion or
15 otherwise if the expert's scientific,
16 technical, and other specialized knowledge
17 will help the trier of fact to understand
18 evidence or to determine a fact at issue.
19 The testimony is based on sufficient facts or
20 data; the testimony is the product of
21 reliable principles and methods, and the
22 expert has reliably applied the principles
23 and methods to the facts of the case.
24 Further under the Daubert standard, the
25 factors that may be considered in determining
26 whether the methodology is valid or whether
27 the theory or technique in question can be
28 and has been tested; whether it has been
29 subjected to peer-review and publication;
30 it's known or potential error rate; the
31 existence and maintenance of standards
32 controlling its operation, and whether it has

1 attracted widespread acceptance within
2 relevant scientific community.

3 Taking into consideration those five
4 factors, this Court finds that the evidence
5 presented at the hearing supports a finding
6 that the TrueAllele methodology is valid.
7 This Court considered testimony elicited from
8 both State and Defense experts; that
9 testimony supported the facts that TrueAllele
10 testing has been peer-reviewed and has a
11 known rate of error. It was further proven
12 that TrueAllele standards are established by
13 Cybergenetics and Acadiana Criminalistic
14 Laboratory, and that those standards were
15 followed in this case and the results were
16 reproducible. Additionally, the testimony
17 established that Cybergenetics and the
18 TrueAllele program are not the only company
19 and program that does probabilistic
20 genotyping, and that this type of testing is
21 generally accepted within the scientific
22 community.

23 This Court also found Claire Guidry to
24 be an expert based on her knowledge, skill,
25 experience, training, and education. Guidry
26 is employed by the Acadiana Crime Lab and is
27 a forensic analyst who tested the DNA swabs
28 in this case utilizing the TrueAllele system.
29 Guidry testified about the policies and
30 protocols established by Cybergenetics and
31 the Acadiana Crime Lab regarding the
32 TrueAllele system. This Court finds that Ms.

1 Guidry's testimony is reliable and relevant
2 as it is based upon sufficient data, and
3 Guidry properly applied the TrueAllele
4 methodology to the facts of this case and
5 followed all protocols. This Court further
6 finds that Ms. Guidry's testimony, based on
7 her scientific, technical, and other
8 specialized knowledge, will aid the trier of
9 fact. The material in this case is complex,
10 but with the appropriate questions by
11 counsel, an expert can aid the trier of fact
12 in better understanding the complexities
13 involved.

14 Based on all of this, this Court finds
15 the State met their burden of proof and
16 denies the motion to preclude TrueAllele DNA
17 results.

18 MR. WELTER:

19 Thank you, Your Honor.

20 MR. IKERD:

21 Judge, note our objection to the Court's
22 ruling. I know the Court has already said
23 that it doesn't wish to enter written
24 judgements, and I think we can both accept
25 what you just read as essentially written
26 judgements and we can rely on the
27 transcripts; is that correct?

28 THE COURT:

29 That's correct.

30 MR. IKERD:

31 Okay. So then just note our objection
32 to the Court's ruling.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

THE COURT:

So noted.

MR. IKERD:

I will discuss with Mr. Dyson whether to take a writ in this case, and if so, we'll appropriately file at that time. But just letting the court reporter know that probably is coming is case we need the transcripts.

THE COURT:

All right.

MR. IKERD:

Thank you, Judge.

THE COURT:

Thank you.

(END OF RULING)

1 PARISH OF LAFAYETTE

2 STATE OF LOUISIANA

3 I, Lauren A. Denham, hereby certify that I am
4 a duly appointed, certified, and acting official
5 court reporter of the 15th Judicial District Court
6 for the Parishes of Acadia, Lafayette and
7 Vermilion, State of Louisiana.

8 I further certify that the foregoing 6 pages
9 are a true and correct transcript of the
10 proceedings had in the above-entitled cause; that
11 the testimony of said transcript was reported by me
12 by stenomask and transcribed by myself or under my
13 personal direction and supervision, and that same
14 constitutes a total transcription of the requested
15 material in the above-entitled matter to the best
16 of my ability and understanding.

17 Lafayette, Louisiana, this 9th day of June,
18 2023.

19
20
21 -----
22 LAUREN A. DENHAM, CCR
23 OFFICIAL COURT REPORTER
24 CERTIFICATE NUMBER 2010006
25
26
27
28
29
30
31
32

LAUREN A. DENHAM
OFFICIAL COURT REPORTER
LAFAYETTE, LOUISIANA
337-322-7672