

**[CAPTION]**

**MOTION IN LIMINE REGARDING ANY REFERENCE TO WITNESSES AS EXPERTS**

The Defendant, by counsel, respectfully requests this Court for an order prohibiting the State and any of its witnesses or agents from referring to any witness as an expert in the presence of the jury. In support of the Motion, the Defendant states the following:

1. The above-captioned cause is scheduled for trial by jury on [insert date].
2. The State intends to call [insert witness' names'] to offer opinions regarding [insert general area of testimony].
3. “[O]nly the jury is permitted to determine the weight to be given a witness's testimony and that it is improper for a trial court to endorse a witness. Thus, neither counsel nor the trial court should refer to witnesses as ‘experts’ in the presence of the jury.” Farmer v. State, 908 N.E.2d 1192, 1998 (Ind.Ct.App. 2009) (citation omitted).

WHEREFORE, the Defendant, by counsel, requests that this Motion in Limine be granted; and requests the Court to order the State of Indiana, through its prosecutors and its witnesses, not to mention or refer to the State’s witnesses as experts, either directly or indirectly; further instruct the State of Indiana and its witnesses not to make any reference to the fact that this Motion has been filed and granted and to warn and caution each and every one of their witnesses to strictly follow these same instructions; and for all other relief just and proper in the premises.

(Signature)