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IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO.: F00-15001

JUDGE DAVID H. YOUNG

STATE OF FLORIDA,  
Plaintiff,

v.

RAUL PINO

FILED FOR RECORD  
2005 MAR 23 PM 12:36  
CLERK, CIRCUIT COURT  
MIAMI-DADE COUNTY, FLA.  
CIRCUIT GRIMMALL HTS.

**ORDER DENYING STATE'S MOTION TO EXCLUDE DEFENSE  
EXPERT OPINION UNDER FRYE TEST**

THIS CAUSE came before the Court on the State's motion for a Frye hearing (see Frye v. United States, 293 F. 1013 (D.C. Cir 1923)), challenging the expert opinion of Dr. Albert H. Lyter III regarding his 'relative ink dating analysis' of the "Garcia ledger." This Court reviewed the extensive legal memoranda of the parties and considered all the evidence garnered from the Frye hearing conducted on November 23, 2004. The Court was otherwise fully advised in the premises and makes the following findings of fact:

1. In Frye, the Supreme Court set up a test to determine whether or not new evidence obtained by scientific techniques are generally accepted in the scientific community. The acceptance of scientific evidence must not be used in a jurisprudential setting until the scientific community tests the underlying principles, theories and techniques. In this case, the question is whether the relative ink dating analysis of the "Garcia ledger" by Dr. Lyter has passed the Frye test.
2. The Frye hearing was conducted because this is a case of first impression in the State of Florida.
3. The expert testimony of Dr. Lyter concerning his opinion on his relative ink dating analysis will assist the Court in making the initial decision as to trustworthiness and, if necessary, assist the jury to understand and evaluate the weight the jury should give the "Garcia ledger," which are material issues of fact critically important to the parties.

