

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT

IN AND FOR POLK COUNTY, FLORIDA

CASE NUMBER: 53-2020-CF-005654-A00-XX

STATE OF FLORIDA,
Plaintiff,

-VS-

TONY LEE WIGGINS JR,
Defendant.

**ORDER ON DEFENDANT'S MOTION TO BAR FORENSIC ANALYST RACHEL H. OEFELEIN OF
DNA LABS INTERNATIONAL, AND INGRID NEILSON OF FLORIDA DEPARTMENT OF LAW
ENFORCEMENT, FROM RENDERING EXPERT OPINIONS AND INCORPORATED
MEMORANDUM OF LAW**

This Matter Came before the Court on August 28, 2026, upon Defendant's Motion to Bar Forensic Analyst Rachel H. Oefelein of DNA Labs International, and Ingrid Neilson of Florida Department of Law Enforcement, From Rendering Expert Opinions and Incorporated Memorandum of Law.

On August 6, 2026, THE STATE OF FLORIDA'S RESPONSE TO DEFENDANT'S MOTION TO BAR FORENSIC ANALYST RACHEL H. OEFELEIN OF DNA LABS INTENATIONAL, AND INGRID NEILSON OF FLORIDA DEPARTMENT OF LAW ENFORCEMENT, FROM RENDERING EXPERT OPINIONS AND INCORPORATED MEMORANDUM OF LAW was filed.

On August 12, 2026, the Defendant's Reply to The State of Florida's Response to Defendant's Motion to Bar Forensic Analyst Rachel H. Oefelein of DNA Labs International, and Ingrid Neilson of Florida Department of Law Enforcement, From Rendering Expert Opinions and Incorporated Memorandum of Law and Objection to Daubert Hearing was filed.

On August 20, 2026, THE STATE'S MOTION TO DENY DEFENDANT'S MOTION TO BAR DNA EXPERTS AND STATE'S SUPPLEMENTAL RESPONSE AND STATE'S MOTION TO STRIKE NEW DAUBERT GROUNDS RAISED FOR THE FIRST TIME IN DEFENDANT'S REPLY was filed.¹

The State presented the testimony of Dr. John Buckleton, Dr. Rahcel H. Oefelein and Senior Laboratory Analyst Ingrid Neilson. Additionally, the State admitted into evidence exhibits A-H while the Defense admitted into evidence exhibits 1-7.

¹ The State's Motion to deny and motion to strike were denied during the August 28, 2026, hearing.

In 2013, the Florida Legislature adopted the Daubert² standard, codified in section 90.702, Florida Statutes, which provides that:

If scientific technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify about it in the form of an opinion or otherwise, if:

- (1) The testimony is based upon sufficient facts or data;
- (2) The testimony is the product of reliable principles and methods; and
- (3) The witness has applied the principles and methods reliably to the facts of the case.

Fla. Stat. 90.702 (2016). The Daubert standard ascribes a "gatekeeping role" for the trial judge to ensure that only expert testimony with a "reliable foundation" and "based on scientifically valid principles" is presented to the jury. Daubert, 509 U.S. at 597-98. Under Daubert, a trial judge has "considerable leeway" in "deciding how to test an expert's reliability, and to decide whether or when special briefing or other proceedings are needed to investigate reliability. Kumho tire Co. vs Carmichael, 526 U.S. 127 (1999), Kemp V. State, 208 So.3d 81 (FLA 4 DCA 2019), and Rink V. Cheminova, INC., 400 F.3d 1286 (11th Cir. 2005).

The "gatekeeping function" of the trial court is designed to make sure that the Jury is not provided with unreliable and untested evidence in the form of expert testimony. In Daniels V. State, 312 So.3d 926 (Fla 4 DCA 2021) The Court held

Although there is no definitive list of factors for the court to consider in making this determination, the Daubert court laid out several observations it deemed appropriate for consideration of the reliability inquiry, including: (1) "Whether [the] theory or technique... can be (and has been) tested"; (2) "whether the theory or technique has been subjected to peer review and publication"; (3) "in the case of a particular scientific technique, the court ordinarily should consider the known or potential rate of error"; and (4) "general acceptance."

In U.S. V. Gissantaner, 990 F.3d 457 (6th Cir. 2021) the Court held

An untestable scientific theory is all theory and no science. In the absence of proof that a technology "can be ... tested," ***464** Daubert, 509 U.S. at 593, 113 S.Ct. 2786, there is no way to show whether it works (its "refutability" or "falsifiability," a scientist would say) and no way to give it "scientific status." Id.; United States v. Bonds, 12 F.3d 540, 559 (6th Cir. 1993). The question on the table is whether a method can be "assessed for reliability," not whether it always gets it right. Fed. R. Evid. 702 advisory committee's note to 2000 amendment; Bonds, 12 F.3d at 558-59. Disputes about the "adequacy of the [theory's] testing" or about the "accuracy of [a theory's] results," generally speaking, provide grist for adversarial examination, not grounds for exclusion. Bonds, 12 F.3d at 558-59; see United States v. Mitchell, 365 F.3d 215, 238 (3d Cir. 2004); see also City of Pomona v. SQM N. Am. Corp., 750 F.3d 1036, 1046 (9th Cir. 2014); United States v. Baines, 573 F.3d 979, 989-90 (10th Cir. 2009).

² Daubert V. Merrell Dow Pharmaceuticals, INC., 509 U.S. 579, 113 S.Ct. 2786, 125 L. Ed 469 (1993)

One might still be skeptical of the reliability of a relatively new technology like STRmix, and rightly so, if the relevant scientific community has not yet accepted its use. Daubert, 509 U.S. at 594, 113 S.Ct. 2786. The question for debate is “general acceptance,” not uniform acceptance within the community. See Bonds, 12 F.3d at 562. Nor must the science be beyond reproach. *Id.* What matters is whether the relevant scientific community accepts the software. See Daubert, 509 U.S. at 594, 113 S.Ct. 2786; see also Wilden v. Laury Transp., LLC, 901 F.3d 644, 654–55 (6th Cir. 2018). After that, the long-tested cauldron of cross-examination, not exclusion, is the place to go for accuracy. “[C]onventional [trial] devices, rather than wholesale exclusion under an uncompromising ‘general acceptance’ test, are the appropriate safeguards where the basis of scientific testimony meets the standards of Rule 702.” Daubert, 509 U.S. at 596, 113 S.Ct. 2786. For a technology that is widely used, controversies over its use in a given case usually will be left to the jury. See United States v. Jones, 965 F.3d 149, 160 (2d Cir. 2020).

The Defendant cited no decisional law to support granting him the relief he is seeking, and this Court finds that to be a matter of great significance while deciding the issues raised in the Defendant’s Motion.

Based on the above, this Court is satisfied that the State was able to meet its burden and establish that the DNA results in this case were the product of reliable scientific practices.

Therefore, it is ORDERED AND ADJUDGED that the Motion is DENIED.

DONE AND ORDERED in Polk County, Florida on Thursday, September 3, 2026.

53-2020-CF-005654-A000-XX 09/03/2026 11:26:14 AM

Jalal Harb, Circuit Judge

53-2020-CF-005654-A000-XX 09/03/2026 11:26:14 AM

CC: Ralph Guerra, Assistant State Attorney
Eric Ebbale, Assistant State Attorney
Rachel Wise, Counsel for the Defendant
Debra Tuomey, Counsel for the Defendant