

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

**ABU AGILA MOHAMMAD
MAS'UD KHEIR AL-MARIMI,**

Defendant.

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Case No. 22-cr-392 (DLF)

MOTION TO LIMIT THE TESTIMONY OF JERRY TAYLOR

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves this Court to limit the proposed expert testimony of Jerry Taylor at trial.

BACKGROUND

On June 10, 2026, the defense noticed a potential forensics and explosives expert as a witness for trial. *See* Ex. 1 (defense expert notice). The defense has stated that it intends to call Mr. Taylor as “an expert witness primarily in response to the government’s expert, Mr. Allen Feraday – including testimony and the RARDE report that the Government may offer as evidence at trial against Mr. Al-Marimi – however, his testimony could respond to any expert the government calls regarding forensic explosives analysis and their methodology to satisfy Daubert.” *Id.* at 1. The defense has also noticed Mr. Taylor as “an expert witness in the field of explosives, both foreign and domestic, improvised explosive devices (IEDs), improvised incendiary devices (IIDs) and their components, assembly, functioning and effects.” *Id.* at 14. Finally, the government understands that Mr. Taylor is going to testify as to the following opinions:

1. The IED suitcase could have been touching the bottom of the luggage container or in proximity to the bottom and also touching or in proximity to the upward slanted side.

2. He cannot state with professional certainty the precise location of the IED suitcase, the location of the radio within the suitcase, the location of the explosives main charge within the radio, nor the amount of explosives used. He does not disagree with the approximates provided, but not to the exclusion of other possibilities.
3. Approximately one pound (453 grams), or one brick of high explosives, identified as Semtex by laboratory analysis, was positioned inside a radio that was positioned inside of a suitcase along with other clothing and items, and that this suitcase was touching or very close to the bottom of the luggage container and touching or close to the upward slanted side.

Id. at 13.

ARGUMENT

I. The Testimony Should be Limited to Actual Opinions Noticed

Federal Rule of Criminal Procedure 16(b)(1)(C) mandates that an expert disclosure by the defense include, among other things, “a *complete statement* of *all* opinions that the defendant will elicit from the witness in the defendant’s case-in-chief” (emphasis added). This requirement was added as part of the 2022 amendment to the Rule, imposing a higher standard than the previous version that required only “a written summary of any [expert] testimony that the defendant intends to use.” Fed. R. Crim. Pro. 16(b)(1)(C) (2021 ver.). The express purpose of the amendment was to “ensure that parties receive adequate information about the content of the witness's testimony and potential impeachment.” Fed. R. Crim. Pro. 16, Notes to 2022 Amendments. Although this statement need not be “verbatim,” it must be “complete.” To that end, the government requests this Court to limit Mr. Taylor’s testimony in the following ways.

The government has not noticed any other expert regarding forensic explosives analysis and their methodology in its case-in-chief. Therefore, the government understands that he is only being called in response to Mr. Allen Feraday. Based on the expert notice, Mr. Taylor's testimony is limited to responding the testimony of Mr. Feraday.

Additionally, the government understands that Mr. Taylor is going to testify as to three main opinions, as noted *supra*. Understanding that Mr. Taylor will explain the bases of his opinions as outlined in the notice, the government has no objection to Mr. Taylor testifying to these opinions. Based on this notice, the government requests the Court limit Mr. Taylor to these opinions.

II. Any Testimony about Training in General is Not Relevant

Finally, while the defense has also noticed Mr. Taylor as "an expert witness in the field of explosives, both foreign and domestic, improvised explosive devices (IEDs), improvised incendiary devices (IIDs) and their components, assembly, functioning and effects," it does not notice him as an expert in the field of forensic investigations of explosives crimes. Nor is there any notice about any opinion Mr. Taylor might give regarding the evidence collection in this case, the quality of the investigation done in this case and/or Mr. Feraday's actions taken in this case.

Mr. Feraday began his training and education in the United Kingdom in the 1950s. His work on this case took place from 1988 through the early 1990s. Mr. Taylor's notice explains "in the United States" a "qualified explosives investigator" should have access to and knowledge of certain references. *Id.* at 8. It then lists various references and suggested areas of knowledge, but does not explain how that compares to Mr. Feraday's training and experience, or how it impacts Mr. Feraday's ultimate conclusions. Because of this, any discussion of general qualifications for a U.S.-based investigator is not relevant.

The government does not object to Mr. Taylor explaining his training, but requests the Court to preclude any opinion from Mr. Taylor about Mr. Feraday's experience or training, or any opinion on what was done in this case.

CONCLUSION

For the foregoing reasons, the Court should GRANT the government's motion to limit the testimony of Jerry Taylor.

Respectfully submitted,

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