

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF PLYMOUTH

COMMONWEALTH OF MASSACHUSETTS V. HEIDI BARTLETT

CASE NO. 1283CR0157

Before the HONORABLE CHRISTOPHER J. MUSE

JUDGE, Plymouth Superior Court

ON May 25, 2016

Plymouth Superior Court

52 Obery Street

Plymouth, MA 02360

Assistant District Attorney Amanda Fowle, Brockton County

Defense Attorney Eduardo Masferrer, Brockton County

Following the Voir Dire Examination of Dr. Mark Perlin:

THE COURT: I'm allowing him to testify.

MR. MASFERRER: Then note my objection.

THE COURT: You can, except that the record is very clear,
and I'll repeat it so that the Appeals Courts will
understand, that I have spent a little bit of time extra to

be able to bring myself to be conversant with the topics that are in controversy. That I'm not making any judgments as to whether or not his outcomes are accurate. What I'm suggesting to you is that the science of it is reliable and that the science, the reliability has been tested, such that the old standard of scientific acceptance has been met. That the requirements of Lanigan have been met. That more importantly under 702, it is something that is certainly an area that is not generally understood by the average layperson. That expertise is required. That he does have the background and by virtue of his resume, it is undisputed, to be able to discuss these issues, and that his opinions will be helpful for the jurors to be able to make a decision as to whether or not any of the semen or excuse me, the sperm count located with some evidence in the pajamas of the defendant, also included the alleged victim in the case. All of which provides for him to be able to pass the gate and to testify; and of course, your objection is noted.