**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

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| In Re: WATTS COORDINATED PRETRIAL PROCEEDINGS | ) | Master Docket Case No. 19-cv-1717 |
| | ) | Judge Franklin U. Valderrama |
| | ) | Magistrate Judge Sheila M. Finnegan |

**DEFENDANTS' MOTION TO BAR PLAINTIFFS' PROPOSED EXPERT ALLISON REDLICH**

Defendants, City of Chicago, Philip Cline, Debra Kirby, Karen Rowan, Alvin Jones, Robert Gonzalez, Miguel Cabrales, Douglas Nichols, Jr., Manuel Leano, Brian Bolton, Kenneth Young, Jr., and Elsworth Smith, Jr., Ronald Watts, and Kallatt Mohammed, by and through their undersigned counsel, hereby move to bar Plaintiffs' proposed expert witness Allison Redlich, and in support thereof state as follows:

## BACKGROUND

On September 18, 2006, Ben Baker and Clarissa Glenn appeared before Judge Michael Toomin of the Circuit Court of Cook County and both pled guilty to possession of a controlled substance in connection with their December 11, 2005 arrest. During the plea hearing, in which they were both represented by private counsel, Baker and Glenn testified that no one coerced them to plead guilty, and that they were pleading guilty on their own free will. (Exhibit 1, Report of Proceedings 9/18/06, p. 24:18-25:4.) Judge Toomin specifically found that there was a factual basis for their guilty pleas, and that their pleas were entered into freely and voluntarily. (*Id*., p. 27:18-22.) In exchange for their guilty pleas, Baker received a four-year sentence and Glenn received one year of probation. Baker and Glenn never filed a motion to withdraw their guilty pleas, and neither filed an appeal of their conviction or sentence.

In an effort to diminish the significance of their clearly bargained for guilty pleas,[1] Baker and Glenn have hired Allison Redlich, Ph.D., ("Dr. Redlich") to opine about the topic of guilty pleas. Dr. Redlich opines that there were several risk factors that could have led Baker and Glenn to giving "false guilty pleas."[2] Specifically, those risk factors included: "a packaged plea deal, futility of going to trial, and extreme plea discounts." (Ex. 2, p. 11.) Ultimately, Dr. Redlich opines that the circumstances surrounding the guilty pleas in this case were sufficient to induce an innocent person to plead guilty to a crime that they did not commit. (Ex. 2, p. 13).

Dr. Redlich's opinions should be barred pursuant to the recently revised Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc*., 509 U.S. 579 (1993). Her report is filled with speculation, assertions unsupported by the record, and little to no scientific analysis. Moreover, her opinions, if followed contradict what courts have determined to be valid pleas. Courts have put in place protections of what is a freely given and knowing plea agreement which Dr. Redlich ignores. If Dr. Redlich is allowed to testify, she should be barred from discussing irrelevant topics unconnected to her opinions, and opinions given without foundation.

## ARGUMENT

### I. Dr. Redlich's testimony should be barred pursuant to Fed. R. Evid. 702 and *Daubert.*

"Federal Rule of Evidence 702 and *Daubert* govern the admissibility of expert testimony." *United States v. Godinez*, 7 F.4th 628, 637 (7th Cir. 2021). Effective December 1, 2023, Rule 702 now states that "A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise **if the proponent demonstrates**

[1] Baker and Glenn were originally charged with several counts of possession with intent to deliver 50 bags of heroin, within 1000 feet of a school. Said charges were Class X felonies, carrying a sentencing range of 6 - 30 years of incarceration for each count.

[2] Dr. Redlich defines a "false guilty plea" as a plea of guilty by an innocent defendant. (Exhibit 2, Dr. Redlich Report, p. 2)

**to the court that it is more likely than not that**: (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (b) the testimony is based on sufficient facts or data; (c) the testimony is the product of reliable principles and methods; and (d) **the expert's opinion reflects a reliable application of** the principles and methods to the facts of the case." Fed. R. Evid. 702 (emphasis added as to the new language of the rule).

The December 2023 committee comments explain that Rule 702 was amended to "emphasize that expert testimony may not be admitted unless the proponent demonstrates to the court that it is more likely than not that the proffered testimony meets the admissibility requirements set forth in the rule." Rule 702, December 2023 Comm. comments. Per those comments, "many courts have held that the critical questions of the sufficiency of an expert's basis, and the application of the expert's methodology, are questions of weight and not admissibility. These rulings are an incorrect application of Rules 702 and 104(a)." *Id*. The comments further state that the amendments were "made necessary by the courts that have failed to apply correctly the reliability requirements of that rule." *Id*. As clarified by the committee comments, "arguments about the sufficiency of an expert's basis [do not] always go to weight and not admissibility." *Id*. The committee comments also emphasized the important gatekeeping function of the courts:

> (2) Rule 702(d) has also been amended to emphasize that each expert opinion must stay within the bounds of what can be concluded from a reliable application of the expert's basis and methodology. Judicial gatekeeping is essential because just as jurors may be unable, due to lack of specialized knowledge, to evaluate meaningfully the reliability of scientific and other methods underlying expert opinion, jurors may also lack the specialized knowledge to determine whether the conclusions of an expert go beyond what the expert's basis and methodology may reliably support. *Id*.

In addition to the recently revised Rule 702, the case law also makes clear that the trial court must ensure that "any and all scientific testimony or evidence admitted is not only relevant,

but reliable." *Daubert*, 509 U.S. at 589; *see also Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 147-49 (1999) ("*Kumho Tire*") (extending *Daubert* principles to all areas of expert testimony). The Seventh Circuit has stressed that "the key to the gate is not the ultimate correctness of the expert's conclusions. Instead, it is the soundness and care with which the expert arrived at her opinion[.]" *Schultz v. Akzo Nobel Paints, LLC*, 721 F.3d 426, 431 (7th Cir. 2013).

To satisfy *Daubert*, the proffered testimony must have a reliable basis in the knowledge and experience of the relevant discipline, consisting of more than subjective belief or unsupported speculation. *Chapman v. Maytag Corp.*, 297 F.3d 682, 686-87 (7th Cir. 2002); *see also Gen. Elec. Co. v. Joiner*, 522 U.S. 136, 146 (1997) ("[N]othing in either *Daubert* or the Federal Rules of Evidence requires a district court to admit opinion evidence that is connected to existing data only by the *ipse dixit* of the expert. A court may conclude that there is simply too great an analytical gap between the data and the opinion proffered."). By assessing reliability, the court ensures the expert "employs in the courtroom the same level of intellectual rigor that characterizes the practice of an expert in the relevant field." *Kumho Tire*, 526 U.S. at 152. An expert "cannot simply assert a 'bottom line.'" *Metavante Corp. v. Emigrant Sav. Bank*, 619 F.3d 748, 761 (7th Cir. 2010).

As an initial matter, it should be noted that there are very few published civil rights opinions addressing the admissibility of expert testimony regarding "false guilty pleas." Most cases discussing alleged "false guilty pleas" arise in the context of criminal defendants seeking to withdraw their guilty pleas. In said cases, the caselaw is fairly clear: due process requires that a guilty plea be both knowing and voluntary, and a plea is "involuntary" if it is the product of threats, improper promises, or other forms of wrongful coercion. *Brady v. United States*, 397 U.S. 742, 753 (1970). Given a fear that an illegally coerced confession would be admitted in a murder case does not invalidate a plea. *People v. Edwards*, 276 N.E.2d 308, 309–10 (1971)

("[D]efendant's fear that his confession, which was allegedly obtained by illegal methods, would be admitted at trial 'is insufficient to invalidate his otherwise knowing and intelligent plea' which was entered after conferring with competent counsel.").

Defendants raise this point to emphasize that Plaintiffs have a high hurdle to overcome with very little caselaw to support admissibility of their proposed testimony. "The burden of proving the admissibility of an expert's opinion is on the party seeking its introduction," *Varlen Corp. v. Liberty Mut. Ins. Co*., 924 F.3d 456, 459 (7th Cir. 2019), and this Court should be concerned with the novelty of this testimony and its alleged reliability.

Much of Dr. Redlich's research focuses on so called "false confession cases," having been only retained as expert in "false guilty plea" cases only five or six times. (Exhibit 3, Dr. Redlich Deposition, p. 123:18-124:22). However, several courts have barred Dr. Redlich's opinions related to false confession cases due to reliability concerns; the same concerns that plague her false guilty plea opinions.

In *Commonwealth v. Hoose*, 5 N.E.3d 843 (Mass. 2014), the court conducted a *Daubert* hearing regarding Dr. Redlich's proposed testimony on false confessions and held "that the expert testimony could not be admitted…because the principles and methods on which Dr. Redlich's opinions were based had not been shown to be sufficiently reliable to go before the jury." *Id*. at 861. The judge emphasized that, "the research studies that identified the factors linked to false confessions were based on a limited sample size of proven false confessions, and that no research or information would come before the jury regarding how frequently such factors also may be present in true confessions." *Id*.

In *Edmonds v. State*, 955 So. 2d 864 (Miss. Ct. App. 2006), the appellate court found Dr. Redlich's testimony unreliable as she admitted that there was no empirical test available to

determine whether a confession is truthful or not, and "there is no way to discern a possible rate of error in the field of false confessions." *Id.* at 878-79. The court applied Dr. Redlich's proposed testimony to the *Daubert* factors and found all four factors favored barring the doctor's testimony. *Id*.

Dr. Redlich has also been previously barred under the *Frye* standard, which is the state law expert standard in certain states, including Illinois in New York. In *People v. Powell*, 53 Misc. 3d 171, 175 (S.C. N.Y. 2014), Dr. Redlich proffered testimony on the risk factors associated with individuals giving "false confessions." The court found it was "insufficient under *Frye* that researchers agree that the phenomenon of false confessions exists and that interrogation tactics will likely increase the risk of law enforcement obtaining a false confession, although these researchers may differ on their opinions as to why and as to which tactics present a danger of obtaining these false confessions." *Id*. at 178. The court reasoned that Dr. Redlich could only establish that individuals can falsely confess, but not that there is "reliable scientific data or that there is a consensus in the relevant scientific community pursuant to *Frye*." *Id*. at 179. Moreover, the court noted that Dr. Redlich did not establish whether there was a known or potential rate of error in her methods of research. *Id*.

Similarly, in *People v. Oliver*, 45 Misc. 3d 765, 778 (S.C.N.Y. 2014), the court barred Dr. Redlich from testifying on false confessions because her report was "filled with speculation, unsupported theories, and advocacy rather than expertise. There is no empirical support for many of her assertions." The court reasoned that "absent from Dr. Redlich's submission is any scientific connection between [interrogation] techniques and false confessions." *Id*. at 779. The court went on to criticize Dr. Redlich for her report being "long on anecdotes and generalizations and short on science." *Id*. at 780.

**A. Dr. Redlich's method does not offer an objective way to differentiate between true and false guilty pleas.**

The courts' reasons for barring Dr. Redlich's opinions in *Edmonds, Hoose, Powell* and *Oliver* apply equally to her proffered testimony on false guilty pleas. Like *Hoose* and *Powell*, Dr. Redlich opines that certain risk factors led to Baker and Glenn's guilty pleas and that their guilty pleas bear many of the risk factors or hallmarks of false guilty pleas. (Ex. 2, p. 13.) However, Dr. Redlich admitted in her deposition, numerous times, that the factors or hallmarks of false guilty pleas are the same as the hallmarks of true guilty pleas. (Ex. 3, p. 156:10-17: "[t]here is overlap between the factors that would lead a guilty person to plead guilty and that would lead an innocent person to plead guilty"; p. 92:9-14: "there's a lot of overlap between true and false guilty pleas"; p. 202:15-24 (same); p. 203:8-14 (same); p. 157:12-16 (same); p. 91:1-4 (same)).

Here, Dr. Redlich testified that, "a packaged plea deal, futility of going to trial, and extreme plea discounts" are all hallmarks of both false and true guilty plea. (Ex. 3, p. 202:12-203:14). Dr. Redlich, therefore, agrees that there are no hallmarks present in Baker and Glenn's guilty pleas that are not also present in true guilty pleas. Her opinion is also inconsistent with the law in Illinois, which has found that guilty plea is not coerced even when the person pleads guilty to avoid the death penalty. *See People v. Scott*, 274 N.E.2d 39, 40 (Ill. 1971); *People v. Martinez*, 289 N.E.2d 76, 78 (Ill. App. Ct. 1972) ("[D]efendant's contention that he was coerced into entering a guilty plea because of his fear of the death penalty is not sufficient to invalidate his guilty plea."). Defendants' expert, Dr. Alexander Obolsky, makes this point even clearer. Dr. Obolsky will opine that simply because a person falls within a certain risk factor, that does not lead to the conclusion that the individual gave a false guilty plea. (Exhibit 4, Report of Dr. Obolsky, p. 7.) Specifically, "[t]hese [three] elements are present in all or most guilty pleas because these elements are the sine qua non of any plea deal. Why would anyone plead guilty if not for some benefit?" (*Id*.)

Dr. Redlich testified that the only way to establish if a plea was true or false is whether the defendant is in fact innocent or guilty. (Ex. 3, p. 91:1-7) ("[T]he key differentiating factor is whether the person is factually innocent or factually guilty.") But this standard is tantamount to no standard at all, as the only way to establish guilt or innocence in our legal system is through plea bargaining or trial.

Like *Powell*, although there is agreement that false guilty pleas exist, there is no general acceptance as to which factors or hallmarks lead to false guilty pleas or to the extent that a risk factor must be present for there to be a danger of a false guilty plea. Like her research on false confessions, Dr. Redlich cannot establish the rate at which the hallmarks associated with Baker's and Glenn's pleas result in a false guilty plea as opposed to a true guilty plea. *See Powell* 53 Misc. 3d at 178; *see also Oliver*, 45 Misc. 3d at 779 (barring Redlich's testimony because no scientific connection between interrogation techniques and false confessions). Without being able to connect these dots, Dr. Redlich's testimony regarding the hallmarks and risk factors present in Baker and Glenn's pleas, but also present in true guilty plea cases, should be barred.

**B. Dr. Redlich provides no empirical support for the alleged risk factors.**

Dr. Redlich opines that "Baker['s] and Glenn's guilty pleas bear many of the hallmarks of a false guilty plea and many of the factors common to false pleas." (Ex. 2, p. 13.) However, there is simply no empirical support for this assertion, and she does not detail or explain how she determines which guilty pleas are "proven false."

Dr. Redlich testified that she does not know as to how many guilty pleas occur in the United States. (Ex. 3, p. 113:4-17.) She also does not know how many guilty pleas occurred in Illinois in 2006. (*Id*. at 113:19-114:2 ("I don't even know the denominator of how many guilty pleas there were, as I've already mentioned.").) Without knowing the total number of guilty pleas, one cannot

calculate the frequency of false guilty pleas. This undermines the utility of using Dr. Redlich's alleged risk factors in separating true from false guilty pleas.

In her overall summary, Dr. Redlich concludes that Baker's and Glenn's "decisions to plead guilty are consistent with the factors present in their cases that are common to the hundreds of false guilty plea cases of other defendants who were later exonerated." (Ex. 2, p. 13.) Not only are these factors also present in the millions of true guilty plea cases, but Dr. Redlich does not quantify the rate at which each individual factor is present in the cases where a defendant pled guilty but were later exonerated, whether the rate is statistically significant, and offers no explanation for how she determines who is exonerated. *See Hoose*, 5 N.E.3d at 861 and *Oliver*, 45 Misc. 3d at 778 (barring Dr. Redlich from testifying because she did not quantify the rate of "wrongful convictions" or detail her formula for determining whether a confession is false.)

Without empirical metrics, including an error rate, Dr. Redlich's testimony cannot be relied upon as scientifically valid. Dr. Redlich must not be allowed to "merely jump to the conclusion without explanation." *Andersen v. City of Chicago*, 454 F. Supp. 3d 808, 817 (N.D. Ill. 2020) (excluding proffered expert's testimony for lack of reliability).

### C. Dr. Redlich improperly makes credibility determinations in arriving at her conclusions.

It is undisputed that an expert witness is prohibited from expressing any opinions as to the credibility of evidence, a witness, or testimony — these are issues reserved exclusively for the trier of fact to resolve. *See Goodwin v. MTD Prod., Inc.*, 232 F.3d 600, 609 (7th Cir. 2000) ("[A]n expert cannot testify as to credibility issues. Rather, credibility questions are within the province of the trier of fact."). Dr. Redlich was asked several times in her deposition if she had any idea if Baker and Glenn had heroin in their vehicle on December 11, 2005. (Ex. 3, p. 139:2-141:4.). Instead of stating "no" and "it's not my job to make credibility determinations," she stated the

opposite. In coming to her conclusion that "this case bears many of the hallmarks of a false guilty plea case," Dr. Redlich admits that she is crediting Baker's and Glenn's statements "more" than the police officers' statements. (*Id.* at p. 141:3-4: "I am more crediting of their statements than the police, yes."; p. 139:12-14: "I would lean more towards crediting Ben and Clarissa's accounts."; p. 140:15 (same).)

If Dr. Redlich can reach her opinion only because she has determined that it more likely than not that Defendants' falsely arrested Baker and Glenn, then she is undoubtedly usurping the core function of the jury in determining whether Defendants violated Plaintiffs' Fourth Amendment rights. An expert witness's role is to render opinions as to "technical issues that laypeople would have difficulty resolving on their own" — not basic precepts of life, like credibility. *Stollings v. Ryobi Techs., Inc.*, 725 F.3d 753, 765 (7th Cir. 2013). Dr. Redlich's improper credibility determinations provide another basis to bar her testimony.

**D. Dr. Redlich's Methodology is Not Relied Upon by Psychologists.**

Dr. Redlich's testimony should also be barred because her methods are not reasonably relied upon by psychologists. Dr. Redlich uses general findings and data from her research to specifically conclude whether Baker and Glenn knowingly, intelligently, and voluntarily pled guilty in this case. (Ex. 2, p. 12-13.). However, Dr. Redlich did not interview, nor even attempt to interview, Baker or Glenn about their arrests or the circumstances surrounding their decisions to plead guilty. (Ex. 3, p. 37:16-23; p. 46:4-16.) Further, she did not interview, nor even attempt to interview, their private criminal defense attorney, about the circumstances surrounding the guilty pleas. (*Id*. at 63:19-23.) When asked why she did not, Dr. Redlich replied, "I'm not that type of

psychologist," and "I've never done that in any of the cases that I've worked on."[3] (Ex. 3, p. 37:20-23.).

Dr. Redlich provides no evidence that other psychologists in similar areas of study share her methods, or lack thereof. Her lack of underlying methodology, or attempting any information gathering, exemplifies the flaws in her methodology. Dr. Redlich's plan appears to be to "waltz into the courtroom and render opinions" on the basis of her being "supremely qualified," rather than any sort of recognized methodology that is "reliable and relevant." *Lewis v. CITGO Petroleum Corp.*, 561 F.3d 698, 705 (7th Cir. 2009). Dr. Redlich's methodology for reaching her opinions is not generally accepted in the field of psychology.

## II. If the Court finds that Dr. Redlich satisfies Fed. R. Evid. 702 and *Daubert*, the Court must limit her testimony.

If Dr. Redlich is allowed to testify, she should be barred from discussing irrelevant topics unconnected to her opinions, and opinions given without foundation. Federal Rule of Evidence 402 holds that irrelevant evidence is inadmissible, and Rule 403 provides that the court may exclude relevant evidence if its probative value is substantially outweighed by a danger of: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, and/or needlessly presenting cumulative evidence. Furthermore, expert opinions without foundation are inadmissible. *Downing v. Abbott Laboratories*, 48 F.4th 793, 809 (7th Cir. 2022).

In her report, Dr. Redlich discusses Plaintiffs being "two of hundreds of individuals wrongly convicted as part of the Watts scandal," which included Watts and approximately "15 other police officers." (Ex. 2, p. 8.) Dr. Redlich claims that "Watts allied with drug dealers" to

[3] Dr. Redlich has never evaluated Baker nor Glenn for competency because she is a research psychologist, not a clinical psychologist. (Ex. 3, p. 7:14-18). However, she has no evidence that Plaintiffs did not knowingly and intelligently plead guilty. *Id*. p. 86:8-24. The crux of her argument is that Plaintiffs' guilty pleas were somehow involuntary or coercive.

allow them to continue their criminal activity without fear of arrest. (*Id.*) Dr. Redlich also claims that "Watts and his officers also framed innocent people for narcotics crimes." (*Id.*) Dr. Redlich states that "approximately 230 [convictions] have been overturned and the persons issued certificates of innocence by the Cook County, IL courts." (*Id.*)

When asked what she was relying on for this information, Dr. Redlich replied that "she does not recall." (Ex. 3, p. 146:22-147:1). She also did not know what the circumstances were as to how individuals were granted certificates of innocence. (*Id.* at 138:2-9). She sees her role in this case as "educating the jury about the risk factors that can lead to false guilty pleas and how they may or may not be present in the case of Clarissa [Glenn] and Ben [Baker]." (*Id.* at 183:16-184:1)

Plaintiffs are trying to admit through Dr. Redlich their spin on facts that would, by themselves, be inadmissible. None of this background information on the "Watts scandal" has anything to do with Dr. Redlich's opinions. She does not connect any of this supposed background information to any of her opinions. She admitted that her job is to "educate the jury about the risk factors of false guilty pleas." To the extent Dr. Redlich has any scientific expert opinions to give, opinions on the general Watts investigation are wholly outside the scope of her expertise.

Even if this background was part of the basis for any of Dr. Redlich's opinions, she should still not be allowed to testify to it because its prejudicial effect substantially outweighs its probative value. Fed. R. Evid. 403. Defendants would be unable to receive a fair trial if the jury hears that approximately 230 convictions were vacated and those convicted received certificates of innocence. The only conclusion the jury would reach is that the officers engaged in misconduct in all those cases, so they must have engaged in misconduct in Plaintiffs' case. *See* Federal Rule of Evidence 404(b) (barring evidence of other wrongs to prove propensity). Likewise, Dr.

Redlich's improper conclusion that Watts and his officers framed innocent people is unduly prejudicial, because it is propensity evidence that goes to the ultimate factual issue in the case. Since these comments have no probative value and will cause extreme prejudice to the Defendants if the jury hears these "facts," Dr. Redlich should be barred from testifying about any alleged background information of the "Watts scandal."[4]

In a further effort to soften the blow of the freely and voluntarily given guilty pleas in this case, Dr. Relich posits that: "[I]t would appear that Mr. Baker and Ms. Glenn may have had insufficient time to consider the State's plea offers. The Plea Hearing Transcript makes clear that the plea offers came in that morning. To my understanding the pleas were entered the same day, and that there may have only been a 30-minute break to consider the pleas." (Ex. 2, p. 11.) Dr. Relich's speculative opinion that Plaintiffs may not have had sufficient time to consider the plea deals lacks foundation and is rebutted by the record.

In reaching her opinion, Dr. Relich neglected to mention the fact that Baker's attorney discussed the plea deal with him **before** the start of the 9/18/06 hearing. While in chambers with Judge Toomin and the prosecutor, Mr. Baker's attorney stated: "this morning the State made to me a very concrete offer and is subject to the court's approval in Mr. Baker's remaining cases. And I tentatively discussed those with him this morning and they involve a reduction in class of offenses." (Ex. 1, p. 9:4-9.) Indicating that Mr. Baker would likely take the offer, his attorney also stated, "Mr. Baker appears to be with the program." (*Id*. at 19:10).

In addition, at the end of the plea colloquy, when Baker and Glenn were asked by the judge if there was anything that they wanted to say, Baker nodded his head "no" and Glenn complained

[4] Defendants will be filing a separate, more robust, motion *in limine* to bar any argument or testimony regarding the "Watts scandal." The purpose of this argument in this particular motion is establish that Dr. Redlich cannot testify to the "Watts scandal," as it is not relevant to her opinions and she has foundation to do so.

only that she thought it was unfair that she and Baker were co-defendants (*Id*. at 28:9-29:13); neither raised an issue an about insufficiency of time. Dr. Redlich chose not to interview Plaintiffs, nor their criminal defense attorney, about how much time there was to consider the plea and what, if any, impact that had on their decision making. Accordingly, her opinion that there was insufficient time is pure speculation.

It is well settled that speculation by an expert is improper. *DePaepe v. General Motors Corp.*, 141 F.3d 715, 720 (7th Cir. 1998) ("[T]he whole point of *Daubert* is that experts can't 'speculate.' They need analytically sound bases for their opinions. District courts must be careful to keep experts within their proper scope, lest apparently scientific testimony carry more weight with the jury than it deserves."). Dr. Redlich should be barred from opining that Plaintiffs "may have had insufficient time to consider the State's plea offers."

Dr. Redlich further reports that "[f]alse guilty pleas are also more significantly common among drug cases and the 'no crime' type of wrongful conviction." (Ex. 2, p. 13.) That opinion lacks foundation and is therefore inadmissible. During her deposition, the following exchange took place:

Q: Okay. During 2006, how many guilty pleas for felony offenses were taken in the state of Illinois?

A: I don't know.

Q: How many guilty pleas for drug crimes were made in the United States in 2006?

A: I have no idea.

Q: During 2006, in the courts of Cook County, how many pleas for drug crimes were made?

A: I have no idea.

Q: Have you ever observed any criminal court proceedings in Cook County?

A: No, I don't believe I have.

(Ex. 3, p. 106:22 – 107:15.)

If Dr. Redlich lacks foundation as to how many drug-related guilty pleas took place in the United States, in Illinois, and/or in Cook County in 2006, she certainly lacks foundation to opine that false guilty pleas are more common in drug cases. Furthermore, her report provides no foundation for how she arrived at the conclusion that "no crime" type of wrongful convictions reflect higher incidents of false guilty pleas. Dr. Redlich should be barred from opining that "[f]alse guilty pleas are also more significantly common among drug cases and the 'no crime' type of wrongful conviction."

## CONCLUSION

For the reasons stated above, Dr. Redlich should be barred from testifying. If the Court allows her to testify, it should bar her from testifying to topics unconnected to her opinions and opinions for which she lacks foundation.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Jason Marx, an attorney, hereby certify that June 10, 2024, I caused to be filed with the Clerk of the Court's CM/ECF system a copy of the forgoing Defendants' Motion to Bar Plaintiffs' Proposed Expert Allison Redlich which simultaneously served copies on all counsel of record via electronic notification.

/s/ *Jason Marx*