

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHRISTOPHER M. HORTON,
Petitioner,

v.

No. 3:17-cv-00023-DRH

UNITED STATES OF AMERICA,
Respondent.

ORDER

HERNDON, District Judge:

Before the Court is petitioner Christopher Horton's pro se Motion to Strike Curriculum Vitae of Expert Witness Dr. Daniel Cuneo (Doc. 14). Horton argues that Dr. Cuneo should have not been referred to as "doctor" during the course of Horton's sexual child abuse sentencing proceedings because Dr. Cuneo's doctoral degree is in clinical psychology and not medicine; Dr. Cuneo's curriculum vitae ("CV") was never certified or verified; and due to lack of verification, Dr. Cuneo's CV should be stricken as hearsay, or for purposes of unreliability (*Id.*). Based on what Horton attempts to attack—Dr. Cuneo's credibility and not the admissibility of the evidence presented—the Motion to Strike (Doc. 14) is **DENIED**.

First, the Court notes in our society a clinical psychologist who has earned a PhD is given the courtesy of being referred to as "doctor"; similar to a college professor or any individual who has attained a doctorate in any discipline aside from medicine. Next, there is no requirement for an independent verification or certification of an expert's CV. *See* FED. R. EVID. 702 (requirements for testimony

by expert witness). Generally an expert witness testifies their CV is accurate, and if it is not up-to-date, testifies regarding what on the face of their CV is inaccurate. In sentencing hearings, the Court is allowed to consider reliable evidence even in the form of hearsay; and, a CV that accompanies an expert's report fits within that permissible use of hearsay testimony. *See United States v. Polson*, 285 F.3d 563, 566 (7th Cir. 2002) (at sentencing district court may consider reliable hearsay evidence). Dr. Cuneo is a well-known psychologist who has testified before the undersigned many times, and the Court is well aware of his qualifications. *E.g., Roback v. V.I.P. Transp. Inc.*, 90 F.3d 1207, 1215 (7th Cir. 1996) (decision to permit expert testimony is committed to discretion of district court judge). Accordingly, Horton's Motion to Strike (Doc. 14) is **DENIED**.

IT IS SO ORDERED.

Signed this 29th day of June, 2017.

 Digitally signed by
Judge David R. Herndon
Date: 2017.06.29
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UNITED STATES DISTRICT JUDGE