

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

vs.

GABRIELLE RUTH LEDOUX

DOB: [REDACTED]

APSIN ID: [REDACTED]

DMV NO.: [REDACTED]

ATN: 114676308

Defendant.

Court No. 3AN-20-02172CR (Gabrielle Ruth LeDoux)

**MOTION TO APPLY THE LAW OF THE CASE AND PRECLUDE THE
DEFENDANT'S EXPERT TESTIMONY**

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

I. INTRODUCTION AND PROCEDURAL HISTORY

Defendant Gabrielle LeDoux filed a Notice of Expert noticing her intent to call Tom Amodio as an expert witness "in the field of election law."¹ The notice indicates that Mr. Amodio will testify in accordance with previously provided expert reports. These expert reports are the same reports previously provided to the State by LeDoux's former co-defendant, Lisa Simpson. The "reports" submitted by Simpson described the Alaska statutes that apply to determining the residency of a voter and discusses "Alaska

¹ Notice of Expert, December 12, 2024.

1 case law construing the statutory scheme” as well as “how the Department of Law
2 interprets the statutory scheme.”² The supplemental report cites to sections of the
3 controlling statute regarding how to determine residency, and includes citation to several
4 Alaska cases and the testimony of an Assistant Attorney General to the Senate Finance
5 Committee.³
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7 The supplemental report also discusses the obligations of a registrar pursuant to
8 statute and cites to the relevant statutes governing registrars.⁴ The supplemental report
9 references and attaches a Memorandum entitled “Residency in Alaska—For Voting and
10 Generally,” which primarily interprets statutes as to when a person establishes residency
11 in the State Alaska, which is not at issue in this matter.⁵
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13 On September 22, 2023, the State filed a motion to preclude the defendant’s expert
14 testimony, as noticed by Defendant Simpson.⁶ The State provided the relevant notices to
15 the Court for its review of the matter. The State’s motion was based in large part on an
16 argument that the substance of the expert’s notice demonstrated that his testimony would
17 consist wholly of various legal instructions and/or interpretations, which would encroach
18 on the purview of the Court as the instructor of the law to the jury—and which would not
19 assist the trier of fact as required under the Rules of Evidence. The Court granted the
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23 ² Notice of Expert Supplemental Report, June 15, 2022, p. 1.

24 ³ *Id.*, at p. 1.

25 ⁴ *Id.*, at p. 2.

26 ⁵ Residency in Alaska—For Voting and Generally, p. 1-2 (“Bottom Line: Residency in Alaska is generally
27 determined by physical presence in the State for the requisite period of time, plus the intent to remain indefinitely in
the State. Thus, for example, many (perhaps most) college students from Alaska who go to university outside the
State remain Alaska residents until they display the intent to make another state their home, and take the appropriate
steps to become a resident of that state”).

⁶ The notice of expert was only filed in Ms. Simpson’s case; however, the State filed the motion to preclude in Ms.
Simpson’s case, 3AN-20-02173CR, and also filed a courtesy copy in the current case.

1 State’s motion in part, determining that Mr. Amodio was “prohibited from testifying as to
2 what the applicable law is, including case law.”⁷ The Court allowed the expert to testify
3 “to what the relevant Division of Elections processes involve.”

4 During trial in this matter, the defendant’s counsel mentioned that defense might
5 be calling Mr. Amodio as an expert during trial. The State objected, noting that Ms.
6 LeDoux had not provided notice of her intent to call Mr. Amodio as an expert, and that
7 the Court had previously precluded Mr. Amodio from testifying on matters involving
8 interpretation of the law. The State had an opportunity to speak with Mr. Amodio in the
9 middle of trial and learned that Mr. Amodio intended to discuss issues surrounding
10 election law statutes and case law interpreting those statutes—in other words, the precise
11 issues the Court had previously ruled he could not testify about. Following oral argument
12 on the matter, the Court maintained its earlier ruling and found that Mr. Amodio could
13 not testify as an expert to interpret the law, as it is the Court’s purview—not a witness’—
14 to instruct jurors on the law, not a witness’.

15 The Court further noted its concern that if Mr. Amodio was permitted to testify as
16 an expert about the law, this would lead to a problematic situation wherein the Court
17 would instruct the jurors that they could disregard Mr. Amodio’s testimony describing
18 the law (pursuant to Criminal Pattern Jury Instruction 1.11) if they wished, which would
19 be at odds with the requirement that jurors follow the Court’s instruction on the law.
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27 ⁷ Court Order Granting in Part Motion to Preclude Defendant’s Expert Testimony, November 27, 2023.

1 The defendant now files a notice that she intends to call Mr. Amodio for the same
2 purpose—and in reliance on the same report and conclusion—that this Court has now
3 disallowed multiple times, both in writing and orally. The defendant is essentially filing
4 a late motion to reconsider the Court’s prior rulings, without any explanation or
5 acknowledgment that the Court has already ruled on this issue several times. The State
6 urges this Court to maintain its prior rulings, deny this request, and preclude Mr.
7 Amodio’s expert testimony.
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9 The State set forth the argument as to why Mr. Amodio’s testimony should not be
10 allowed in its September 22, 2023 motion, as well as in oral arguments during the first
11 trial in this matter. Rather than restate its argument on the same issue again, the State
12 fully incorporates all the arguments and legal justification set forth in its September 22,
13 2023 pleading, as well as in the oral arguments made during the first trial in this matter,
14 in this current motion. The Court should maintain its prior ruling that the proffered
15 expert testimony invades the province of the Court and is not proper and should uphold
16 its prior rulings precluding the testimony of the defendant’s expert.
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19 Dated at Anchorage, Alaska, this 6th day of January, 2025.

20 TREG TAYLOR
21 ATTORNEY GENERAL

22
23 By: 

24 _____
25 Jenna L. Gruenstein
26 Chief Assistant Attorney General
27 Alaska Bar No. 0912086

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[PROPOSED] ORDER PRECLUDING DEFENDANT'S EXPERT TESTIMONY

The matter having come before the Court and considering the arguments of counsel, the Court precludes defense expert Thomas Amodio from testifying in this matter pursuant to Evidence Rule 702 and 704.

IT IS SO ORDERED.

Dated this ___ day of _____, 2025 at Anchorage, Alaska.

The Honorable Kevin Saxby
Superior Court Judge