

**THIRD DIVISION
DILLARD, P. J.,
GOBEIL and PIPKIN, JJ.**

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October 8, 2026

In the Court of Appeals of Georgia

A26A0892. THE STATE v. WELLINGTON, et al.

DILLARD, Presiding Judge.

The State appeals from the trial court’s grant of a motion to prevent a law-enforcement officer from testifying as an expert witness in a criminal street gang prosecution against Chyasias Wellington and Robert Thomas. More precisely, the State argues the court abused its discretion in determining that (1) the witness did not meet the standards to qualify as an expert, and (2) the testimony would not be helpful or relevant. For the following reasons, we agree with the State and reverse.¹

¹ Under OCGA § 5-7-1(a)(5), the State may file a direct appeal from “an order, decision, or judgment excluding any other evidence to be used by the state at trial on any motion filed by the [S]tate or defendant at least 30 days prior to trial and ruled on prior to the impaneling of a jury or the defendant being put in jeopardy, whichever occurs first”

We review a trial court’s ruling on whether to qualify an expert witness for an abuse of discretion.² So viewed, the record shows that Wellington and Thomas were jointly indicted on August 26, 2024, on charges related to their alleged involvement with the YSL— “Young Slime Life” —criminal street gang. Thomas and Wellington were each indicted on counts for violating the Street Gang Terrorism and Prevention Act, kidnapping, hijacking a motor vehicle, armed robbery, and aggravated assault. Thomas was also indicted for possessing a firearm in the commission of a felony. And in anticipation of trial, the State provided Wellington and Thomas with notice of its intent to call Investigator Kenya Manson as an expert in “criminal street gangs, criminal street gang investigations, criminal street gang activity, and the criminal street gang Young Slime Life aka YSL.”

The trial court conducted a hearing to determine whether Manson met the requirements to qualify as an expert witness. And during this hearing, Manson testified that she was a member of the City of South Fulton Police Department’s Gangs and Narcotics Unit and had been since beginning her career with the

² See, e.g., *Arnold v. State*, 321 Ga. 434, 451(3) (915 SE2d 576) (2025) (“The determination of whether a witness is qualified to render an opinion as an expert is a legal determination for the trial court and will not be disturbed absent a manifest abuse of discretion.” (punctuation omitted)).

department almost seven years earlier. Her testimony also revealed that she had been qualified as an expert witness in criminal street gangs in at least 15 to 20 cases in Fulton County. Manson's experience heavily entailed work in the "south end" of Atlanta where the YSL gang—formerly known as the "Rock Crew"—originated. When she was assigned to that area for the City of Atlanta (before joining the City of South Fulton's police force), Manson investigated between 35 and 40 cases involving YSL. And once she joined the City of South Fulton's department, Manson also began investigating a subset of YSL known as "5275 Slime Gang Young Crew." As part of her investigations, Manson met and spoke with between 150 and 200 gang members, particularly in the YSL subset.

In addition to her work with the City of South Fulton's Gang Unit, Manson was also a member of the Georgia Gang Investigator Association ("GGIA") and completed various training programs in gang recognition, social-media preservation, and investigation. Indeed, as part of GGIA, Manson underwent annual training and attended monthly meetings. And as to social media, Manson was trained to recognize "hand signs, emojis, effects of that nature, [and] sometimes clothing," in addition to "the verbiage that [gang members] may use when talking with one another."

Manson detailed the procedures that she used to investigate and identify suspected gang members,³ which included reviewing police reports to see if the individual was arrested with other gang members, seeing if the individual admitted to gang involvement, using confidential informants, checking cell-phone text messages, and verifying information by checking social-media content. And as to YSL, Manson monitored social media for group photos with members of the YSL subset or members of “Sex, Money, Murder” — of which YSL is a derivative gang.⁴ In seeking to identify YSL members, Manson looks for the use of associated key words, including “SLATT” (which stands for “Slime Love All The Time”) and “slime” (which has a “brotherly meaning for YSL members”). Manson is also familiar with YSL-related hand signs, such as a “Y hand sign,” wiping the nose with a finger, and throwing up “two pistols” to show allegiance to Pistol Pete (who was the founder of Sex, Money, Murder). In terms of text and emojis, Manson looks for the use of a green snake and red or green hearts, and members occasionally avoid using the letter C. Manson also

³ Manson noted that there is a six-point criteria other agencies use when investigating gang activity. She then explained this criteria, including referencing a power-point presentation that she created.

⁴ Manson also detailed the history of YSL and the members it will accept from other associated gangs.

looks for tattoos associated with YSL—including snakes, red teardrops, and numbers denoting specific territories (such as 27 and 31). Members have also been known to wear green with green or red bandanas.

On hearing this testimony, defense counsel argued that Manson could not qualify as an expert because it “[didn’t] seem that any type of analysis that she might have [done] would have been reliable enough to the meet the standard required by *Daubert*[⁵]” and she “could not clearly articulate what methodology she was using.” In other words, defense counsel claimed that Manson “could not set any type of principle or measurement or anything as to how” gang members are identified. Defense counsel also took issue with Manson never having “presented at an international conference” or any “specialized training regarding YSL.”

At the end of argument, the trial court made the following announcement:

I’m not inclined to allow her to testify as an expert. I think she has a lot of experience assisting with investigations. I don’t necessarily know that this is a gang case, but the State has charged it as such.

⁵ See *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (113 SCt 2786, 125 LE2d 469) (1993) (establishing the federal standard for admissibility of expert testimony).

We have one defendant who they assert is a member of a gang because of his social media and because of a tattoo and he was arrested with the Sims Brothers, affiliations [sic].⁶ But there are only two defendants in front of me. So there aren't any other gang members. The second defendant, Ms. Wellington, is deemed a gang member or associate because of her relationship with Mr. Thomas. And the fact that she uses slime or the word slime in some of her social media.

I think all of that is more prejudicial than probative. But the State gets to allow [Manson] to testify as to her investigations, her prior experience, and what led them to believe this was a gang case, and why gang charges were appropriate. She gets to testify and render her opinion as a police officer. But I'm not going to allow her to testify as an expert.

In the written order that followed, the trial court concluded that the State failed to establish "scientific or technical reliability" for Manson's testimony because "no peer-reviewed methodologies, techniques, or principles were introduced to support the reliability of her opinions." The court also decided that, "to the extent the State [sought] to elicit expert opinion on gang affiliation or behavioral interpretation based on anecdotal experience," it was "not satisfied that such testimony would assist the

⁶ Manson testified that the Sims Brothers were "very familiar" to law enforcement and known Sex, Money, Murder and YSL members.

trier of fact or that it is based on a reliable foundation under” the laws governing the admissibility of expert testimony. This appeal by the State follows.

In Georgia, expert testimony is governed by OCGA § 24-7-702 (“Rule 702”), which is modeled after the same rule in the Federal Rules of Evidence;⁷ and we may consider cases from federal courts (such as *Daubert*) when applying the rule.⁸ To that end, under Rule 702 of Georgia’s current Evidence Code,

⁷ See *Wright v. State*, 374 Ga. App. 28, 31 (910 SE2d 839) (2024) (“Because Georgia’s Rule 702 is modeled after Rule 702 of the Federal Rules of Evidence, we look to the decisions of federal appellate courts, especially the [Supreme Court of the United States] and the Eleventh Circuit for guidance.” (punctuation omitted)). Indeed, effective July 1, 2022, the General Assembly extended to criminal cases the federal standard of admissibility of expert testimony articulated in *Daubert* and its progeny. See Ga. L. 2022, p. 201, § 1 (amending OCGA § 24-7-702).

⁸ See OCGA § 24-7-702(f) (“It is the intent of the legislature that, in all proceedings, the courts of the State of Georgia not be viewed as open to expert evidence that would not be admissible in other states. Therefore, in interpreting and applying this Code section, the courts of this state may draw from the opinions of the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993); *General Electric Co. v. Joiner*, 522 U.S. 136 (1997); *Kumho Tire Co. Ltd. v. Carmichael*, 526 U.S. 137 (1999); and other cases in federal courts applying the standards announced by the United States Supreme Court in these cases.”).

[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:

(1) [t]he 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;

(2) [t]he testimony is based upon sufficient facts or data;

(3) [t]he testimony is the product of reliable principles and methods; and

(4) [t]he expert has reliably applied the principles and methods to the facts of the case.

And when a court assesses the admissibility of expert testimony, it must engage in a three-prong inquiry by considering whether

(1) the expert is qualified to testify competently regarding the matters he intends to address; (2) the methodology by which the expert reaches his conclusions is sufficiently reliable as determined by the sort of inquiry mandated in *Daubert*; and (3) the testimony assists the trier of fact, through the application of scientific, technical, or specialized expertise, to understand the evidence or to determine a fact in issue.⁹

⁹ *United States v. Frazier*, 387 F3d 1244, 1259(III)(A) (11th Cir. 2004) (punctuation omitted). Accord *Moore v. Intuitive Surgical, Inc.*, 995 F3d 839, 850(III)

With these guiding principles in mind, we turn now to the State’s enumerated errors.

1. For starters, the State argues the trial court abused its discretion in determining that Manson could not testify as an expert because her training and experience were not reliable—*i.e.*, based on a failure to satisfy scientific and technical principles.¹⁰ We agree.

As the Supreme Court of Georgia has explained, a trial court considers the reliability of expert testimony by evaluating the so-called *Daubert* factors,

including whether a theory or technique can be tested, whether it has been subjected to peer review and publication, the known or potential rate of error for the theory or technique, the general degree of acceptance in the relevant scientific or professional community, and the expert’s range of experience and training.¹¹

(11th Cir. 2021). See also Ronald L. Carlson & Michael Scott Carlson, *Carlson on Evidence* 439 (2025 ed.).

¹⁰ The State presents this in two separate enumerated errors, which we consider together given the overlap of issues.

¹¹ *Arnold*, 321 Ga. at 451(3) (punctuation omitted). Accord *Garrison v. State*, 319 Ga. 711, 726(3)(c)(i) (905 SE2d 629) (2024). See also Ronald L. Carlson & Michael Scott Carlson, *Carlson on Evidence* 439 (2025 ed.) (noting that the “the rules relating to expert testimony are not precisely calibrated and must be applied in case-specific evidentiary circumstances that often defy generalization” (citation modified)).

But these factors do not apply to *all* experts. Indeed, in terms of law-enforcement personnel, such professionals “are routinely qualified to offer expert testimony based on their training and experience.”¹² And with gang experts, federal courts have explained that “[t]he *Daubert* factors (peer review, publication, potential error rate, etc.) simply are not applicable” because the reliability of a gang expert “depends heavily on the knowledge and experience of the expert, rather than the methodology or theory behind it.”¹³ Our federal courts have also explained that, “[g]iven the

¹² *United States v. Holguin*, 51 F4th 841, 854(II)(B) (9th Cir. 2022). See *United States v. Hankey*, 203 F3d 1160, 1169(A) (9th Cir. 2000) (explaining that officer proffered as an expert witness in gangs had so-called “street intelligence” because he “had devoted years working with gangs, knew their ‘colors,’ signs, and activities,” “heard the admissions of the specific gang members involved,” and “had communicated and worked undercover with thousands of other gang members”).

¹³ *Hankey*, 203 F3d at 1169(A). Accord *United States v. Holguin*, 51 F4th 841, 858(II)(C)(ii) (9th Cir. 2022); *United States v. Thomas*, 490 FedAppx 514, 521(II)(B)(2) (4th Cir. 2012). See *Walker v. State*, S26A0732, 2026 WL 2831739, at *4 (Ga. Sept. 22, 2026) (Pinson, J.) (“When the subject matter is something sociological, like the behaviors of people in criminal street gangs, the ideal experimental conditions and controls that are part of hard scientific study may not apply. Instead, courts evaluating potential expert testimony about gangs may look to other indicia of reliability, like the expert’s personal knowledge and experience, training, and education.” (citations & punctuation omitted)); *United States v. Padilla*, 387 F3d 1087, 1094(II)(C) (9th Cir. 2004) (explaining that the “district court considered [the detective’s] extensive experience with Los Angeles street gangs, and the Cuatro Flats gang in particular, and determined that he was reliable within the meaning of Federal Rule of Evidence 702”). See also *Kumho Tire Co., Ltd. v.*

variation in practices among different gangs, a gang expert’s testimony on these relevant subjects is reliable only insofar as it is based on significant experience with the gang about which the expert is testifying.”¹⁴ And such expertise “usually arises from ... significant experience investigating a particular gang.”¹⁵

Here, Manson testified *extensively* about her long history of investigating gang activity in the south Atlanta area and the City of South Fulton. In particular, she was experienced with YSL and a subset gang. And importantly, her familiarity with YSL

Carmichael, 526 U.S. 137, 150(II)(B) (119 SCt 1167, 143 LE2d 238) (1999) (explaining that the “factors identified in *Daubert* may or may not be pertinent in assessing reliability, depending on the nature of the issue, the expert’s particular expertise, and the subject of his testimony” (punctuation omitted)); *United States v. Alatorre*, 222 F3d 1098, 1101 (9th Cir. 2000) (explaining that “far from requiring trial judges to mechanically apply the *Daubert* factors—or something like them—to both scientific and non-scientific testimony, *Kumho Tire* heavily emphasizes that judges are entitled to broad discretion when discharging their gatekeeping function” (punctuation omitted)).

¹⁴ *United States v. Rios*, 830 F3d 403, 414(I)(A)(1) (6th Cir. 2016). Accord *United States v. Frazier*, 442 FSupp3d 1012, 1018(II) (M.D. Tenn. 2020).

¹⁵ *United States v. Norwood*, 16 FSupp3d 848, 861(4) (E.D. Mich. 2014). See *United States v. Augustine*, 661 F3d 1105, 1125 (11th Cir. 2011) (“[I]f the witness is relying solely or primarily on experience, then the witness must explain how that experience leads to the conclusion reached, why that experience is a sufficient basis for the opinion, and how that experience is reliably applied to the facts.” (punctuation omitted)).

involved speaking with more than 100 members, knowing the gang’s history, and having a set of criteria—which she testified other investigative agencies also used—by which to identify suspected gang members. This included recognizing the colors, symbols, terminology, and hand signs associated with YSL. In short, Manson’s knowledge of YSL and how to identify individuals involved in the gang went far beyond the ken of the average layperson. Indeed, her level of knowledge and experience was well within what federal courts have recognized as sufficient to warrant qualification as an expert in criminal street gangs. The trial court abused its discretion, then, in concluding Manson was not qualified to testify as an expert on gangs when the reliability of her testimony heavily depended on her knowledge and experience rather than any scientific methodology.¹⁶

¹⁶ See *Wright*, 374 Ga. App. at 34 (holding that the trial court abused its discretion by concluding professor, who “otherwise” qualified as an expert in pharmacology and toxicology based on training and experience, could not provide *reliable* testimony because he had “not engaged in any studies, field tests or direct evaluations concerning the effects of drugs on the ability of a human being to operate a motor vehicle safely” (punctuation omitted)). See also *United States v. Kamahale*, 748 F3d 984, 999(IV)(A)(2)(b) (10th Cir. 2014) (rejecting argument that law-enforcement officer could not testify as an expert on gangs when the testimony was “not based on scientific methodology”); *United States v. Garza*, 566 F3d 1194, 1199(II)(A) (10th Cir. 2009) (rejecting argument that a law enforcement officer’s expert opinion was improper because it was not scientific by recognizing that “Rule 702 authorizes opinion testimony by experts with ‘scientific, technical, or other

2. Next, the State contends the trial court abused its discretion by concluding that Manson’s testimony would not be helpful or relevant. Again, we agree.

As federal courts have recognized, the topics of gangs, gang membership, and gang affiliation are “not matters within the common knowledge of lay jurors.”¹⁷

Indeed, expert testimony on gangs has long been recognized as useful because “the

specialized knowledge’” and that “specialized knowledge can be acquired through ‘experience’ and ‘training’”). See generally *Kumho Tire Co.*, 526 U.S. at 159 (Scalia, J., concurring) (explaining that trial courts have “discretion to choose among reasonable means of excluding expertise that is *fausse* and science that is junky”).

¹⁷ *United States v. Graham*, 123 F4th 1197, 1267(V)(C)(1) (11th Cir. 2024) (punctuation omitted). See *United States v. Portillo*, 969 F3d 144, 169(II)(D)(i) (5th Cir. 2020) (upholding district court’s decision to allow a government expert to testify about the Bandidos Outlaw gang, which was the charged enterprise in a RICO case because it was not an abuse of discretion to conclude that the testimony “would be helpful to the jury”); *Kamahele*, 748 F3d at 999(IV)(A)(2)(a) (holding that district court did not abuse its discretion by permitting officer’s testimony after “finding that it helped the jury by providing insights into the distinctive traits of [the alleged gang], a topic beyond the knowledge of most jurors”). See also *United States v. Ledbetter*, 929 F3d 338, 349(II)(C) (6th Cir. 2019) (“There are innumerable trades and practices that employ their unique devices, feints, and codes that may mean nothing to the untrained observer but may speak volumes to a maven qualified by experience or training. ... Testimony regarding the inner-workings of organized crime fits squarely within this category and thus is a proper subject of expert opinion.” (citation & punctuation omitted)).

average juror is often innocent of the ways of the criminal underworld.”¹⁸ As a result, presenting expert testimony about “a gang’s history, territory, colors, hand signs, graffiti use, naming practice, tattoos, structure, membership rules, and similar sociological evidence can assist the jury in understanding and evaluating evidence concerning the specific crimes charged.”¹⁹

Here, defense counsel argued that because Manson did not have a reliable methodology, permitting her to testify as an expert—rather than simply as a layperson—would “confuse the jurors and everyone as to why she’s an expert ... because we still don’t know [w]hat she is using to determine whether or not somebody is in a gang.” But Manson’s *encyclopedic* knowledge of YSL went far beyond what would be known by the average juror who might, for example, only associate the combined words of “young” and “slime” with a colorful, gooey substance beloved by children. So, because the State charged Thomas and Wellington with violating the

¹⁸ *United States v. Garcia*, 793 F3d 1194, 1212(II)(E)(1) (10th Cir. 2015) (punctuation omitted). Accord *United States v. Vann*, 776 F3d 746, 758(II)(B) (10th Cir. 2015).

¹⁹ *Garcia*, 793 F3d at 1212(II)(E)(1). See *United States v. Archuleta*, 737 F3d 1287, 1296(II) (10th Cir. 2013) (explaining that the “average juror” is “unlikely” to be aware of facts such as the origins and history of a specific gang, and a specific gang’s “structure, purpose, and activities”).

Street Gang Terrorism and Prevention Act, the criteria law enforcement looks to in identifying criminal street gang members was *highly relevant*; and Manson's testimony as an *expert* in this area would undoubtedly be helpful to a jury.²⁰ As a result, the trial court also abused its discretion in concluding that this testimony would not be helpful or relevant.

For these reasons, we reverse the trial court's judgment.

Judgment reversed. Gobeil and Pipkin, JJ., concur.

²⁰ See *supra* notes 17–19 & accompanying text.