

OJEN

Summer Law Institute

Forensics 101

“FORENSIC”

- FROM LATIN

- “FORENSIS” OR “FORUM”

- In other words, “COURT”

- “Forensic” is an adjective meaning:

“related to court.”

FORENSIC...

...SCIENCE

- That's a big one:
 - FORENSIC BIOLOGY
 - FORENSIC PATHOLOGY
 - FORENSIC ENTOMOLOGY
 - FORENSIC CHEMISTRY

FORENSIC...

BUT THERE IS ALSO FORENSIC...

....ACCOUNTING

....ENGINEERING

....PSYCHOLOGY

....ETC.

DIRECT EVIDENCE

VS.

**CIRCUMSTANTIAL
EVIDENCE**

DIRECT vs CIRCUMSTANTIAL

- Which is stronger according to the law?
 - ***NEITHER***
 - *“The law treats both equally. Neither is necessarily better or worse than the other” (Standard Jury Instructions)*
- Which is stronger in reality?
 - ***CIRCUMSTANTIAL***
 - ***NO DOUBT ABOUT IT***

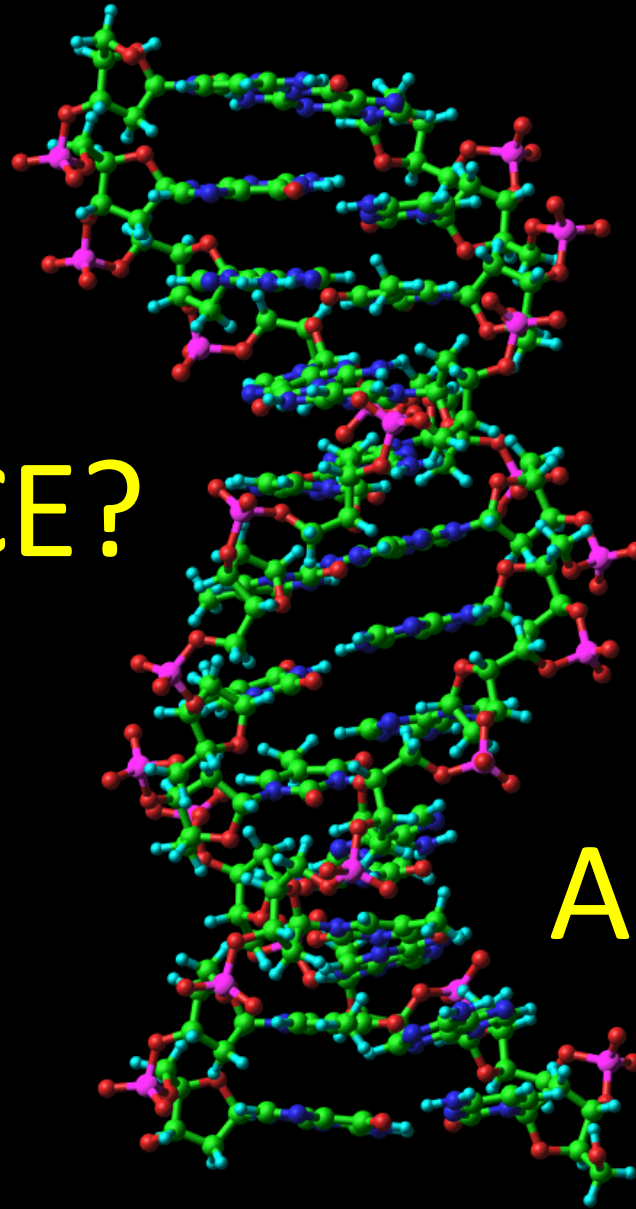
The Insurance Policy



The Girlfriend



IS DNA
STRONG
EVIDENCE?



ABSOLUTELY

WHAT TYPE OF
EVIDENCE
IS *D.N.A.*?

CIRCUMSTANTIAL



**IS “DIRECT
EVIDENCE”
(EYEWITNESS
EVIDENCE)
STRONG?**



In the past, there have been miscarriages of justice, persons have been wrongly convicted, because eyewitnesses have made mistakes.

It is quite possible for an honest witness to make a mistake in identification. Honest people do make mistakes. An apparently convincing witness can be mistaken. So can a number of apparently convincing witnesses.

**STANDARD
JURY
INSTRUCTIONS**



**IS “DIRECT
EVIDENCE”
(EYEWITNESS
EVIDENCE)
STRONG?**



FORENSIC EVIDENCE IS VERY IMPORTANT (LIKE ALL CIRCUMSTANTIAL EVIDENCE)

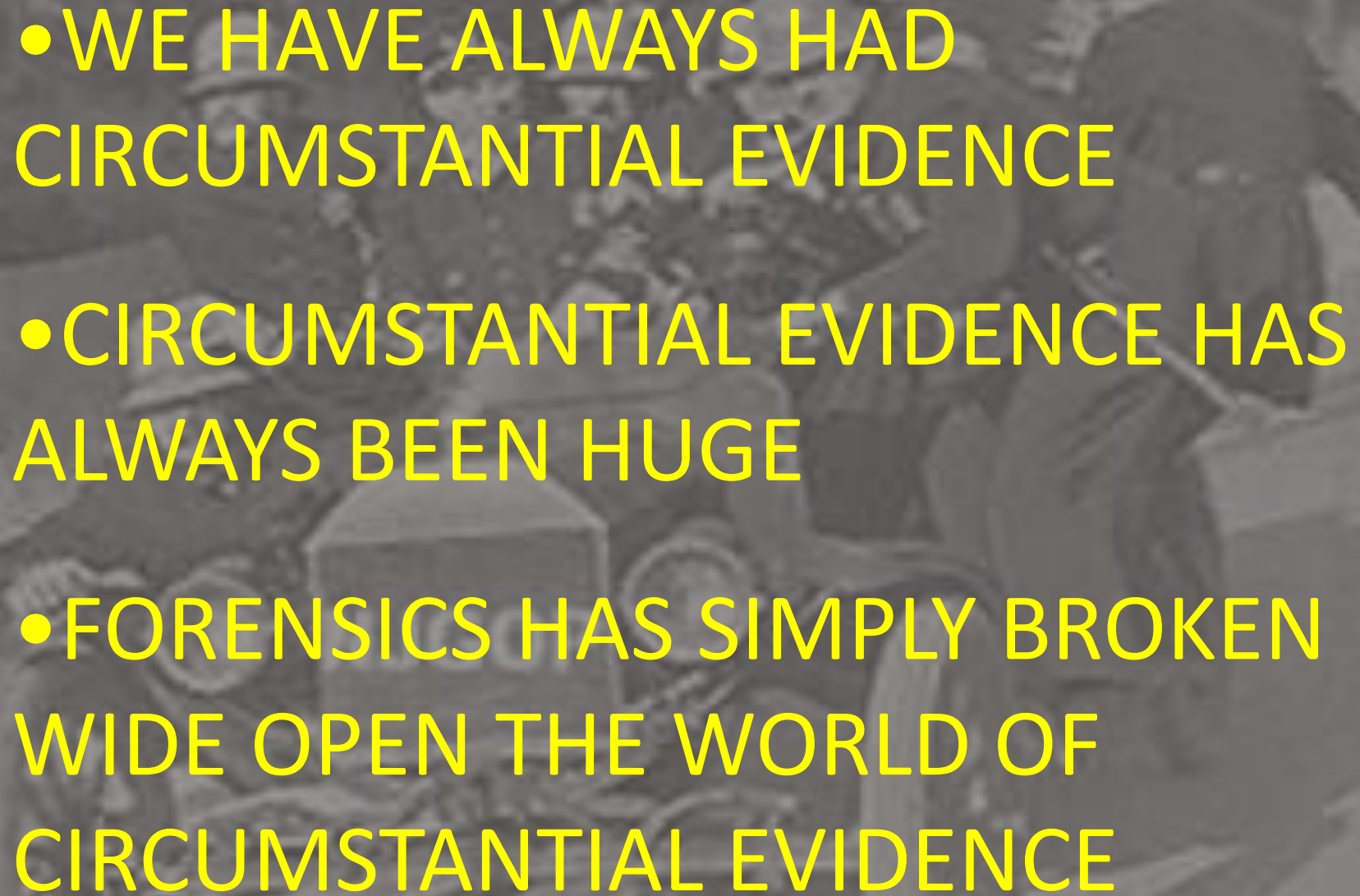
- * PREVENTING MISCARRIAGES OF JUSTICES
- * FINDING THE PROPER PERPETRATOR
- * EXCLUDING THE INNOCENT
- * PROVING THE CASE IN COURT

FORENSIC EVIDENCE'S ROLE IS REALLY
TO PROVIDE NEW AREAS OF
CIRCUMSTANTIAL EVIDENCE WHICH:

- CONFIRMS IDENTIFICATION EVIDENCE

- and -

- PROVES THE CASE ON ITS OWN (EVEN
WHERE NO DIRECT EVIDENCE)

- 
- WE HAVE ALWAYS HAD CIRCUMSTANTIAL EVIDENCE
 - CIRCUMSTANTIAL EVIDENCE HAS ALWAYS BEEN HUGE
 - FORENSICS HAS SIMPLY BROKEN WIDE OPEN THE WORLD OF CIRCUMSTANTIAL EVIDENCE

- THE FORENSIC IDENTIFICATION SERVICE GIVES US CELL PHONE RECORDS

- GREAT EVIDENCE
- WHO CALLED WHO
- AND WHERE THEY WERE
- BUT NOT FORENSIC SCIENCE

THE BOTTOM LINE

- CIRCUMSTANTIAL EVIDENCE IS THE KEY TO MOST CRIMINAL CASES.
- CIRCUMSTANTIAL EVIDENCE HAS BEEN AROUND FOREVER.
- FORENSIC EVIDENCE, AT ITS CORE, IS JUST A POWERFUL NEW ASSORTMENT OF CIRCUMSTANTIAL EVIDENCE.