

Expert Evidence in Criminal Law: The Scientific Approach

86

STRENGTHENING FORENSIC SCIENCE IN THE UNITED STATES

forensic science community. The report concludes that every effort must be made to limit the risk of having the reliability of certain forensic science methodologies judicially certified before the techniques have been properly studied and their accuracy verified.

LAW AND SCIENCE

Science and law always have had an uneasy alliance:

Since as far back as the fourteenth century, scientific evidence has posed profound challenges for the law. At bottom, many of these challenges arise from fundamental differences between the legal and scientific processes. . . . The legal system embraces the adversary process to achieve "truth," for the ultimate purpose of attaining an authoritative, final, just, and socially acceptable resolution of disputes. Thus law is a normative pursuit that seeks to define how public and private relations *should* function. . . . In contrast to law's vision of truth, however, science embraces empirical analysis to discover truth as found in verifiable facts. Science is thus a descriptive pursuit, which does not define how the universe should be but rather describes how it actually *is*.

These differences between law and science have engendered both systemic and pragmatic dilemmas for the law and the actors within it. . . . Moreover, in almost every instance, scientific evidence tests the abilities of judges, lawyers, and jurors, all of whom may lack the scientific expertise to comprehend the evidence and evaluate it in an informed manner.²

Nowhere are these dilemmas more evident than in decisions pertaining to the admissibility of forensic science evidence proffered in criminal trials.

Forensic science experts and evidence are routinely used in the service of the criminal justice system. DNA testing may be used to determine whether sperm found on a rape victim came from an accused party; a latent fingerprint found on a gun may be used to determine whether a defendant handled the weapon; drug analysis may be used to determine whether pills found in a person's possession were illicit; and an autopsy may be used to determine the cause of death of a murder victim. In order for qualified forensic science experts to testify competently about forensic evidence, they must first find the evidence in a usable state and properly preserve it. A latent fingerprint that is badly smudged when found cannot be usefully saved, analyzed, or explained. An inadequate drug sample may be insufficient to allow for proper analysis. And, DNA tests performed on a contaminated

² Developments in the law—confronting the new challenges of scientific evidence. 108 HARV. L. REV. 1481, 1484 (1995) (hereinafter "Developments in the law") (footnotes omitted); see also M.A. Berger and L.M. Solan, The uneasy relationship between science and law: An essay and introduction, 73 BROOK. L. REV. 847 (2008).

Expert Evidence in Criminal Law: The Scientific Approach by Alan D. Gold is the first and only Canadian book on expert evidence entirely from a scientific perspective. Alan D. Gold practises criminal law at the trial and appellate levels and has appeared as counsel before all levels of courts in Ontario, as well as in other jurisdictions. Trove: Find and get Australian resources. Books, images, historic newspapers, maps, archives and more. joint winner of the Walter Owen Book Prize first edition. Expert Evidence in Criminal Law: The Scientific Approach by Alan D. Gold is the first and only Canadian expert evidence in criminal law from a scientific perspective. The Paperback of the Expert Evidence in Criminal Law: The Scientific Approach by Alan D. Gold at Barnes & Noble. FREE Shipping on \$25 or more. Home /; CATEGORIES /; Law Books /; Expert Evidence in Criminal Law: The Scientific Approach. Expert Evidence in Criminal Law: The Scientific Approach. Alan D. Gold practices criminal law at the trial and appellate levels and has appeared as counsel before all levels of courts in Ontario, as well as in other jurisdictions. Expert Evidence in Criminal Law: The Scientific Approach (Paperback). Alan Gold (author), Elizabeth F. Loftus (footnotes compiler). Sign in to write a review. Read online Expert Evidence in Criminal Law: The Scientific Approach Epub PDF Free Download Here. Expert evidence in criminal law: the scientific approach. Responsibility: Alan D. Gold. Imprint: Toronto, Ont.: Irwin Law, Physical description: xiv, p. Our decision to address the law on expert evidence was prompted by . In our consultation paper we explained that the common law approach to the We also addressed other types of expert evidence: non-scientific. (a) the expert's scientific, technical, or other specialized knowledge will help the trier (c) the testimony is the product of reliable principles and methods; and .. the Word Expert Under the Federal Rules of Evidence in Criminal and Civil Jury . Expert Evidence and Criminal Justice by Mike Redmayne is a slim volume of hand scientific evidence is not quite so open to change during the process of. experts who use scientific methods, but when social researchers are called . rain of international criminal law, which inevitably requires being conversant in its . Expert Evidence in Criminal Law by Alan D Gold, , available at Expert Evidence in Criminal Law: The Scientific Approach. Expert Evidence and Scientific Proof in Criminal Trials, Farnham , p. the proceedings; 2) approach of competing institutions which regard law and science . Read Expert Evidence in Criminal Law: The Scientific Approach book reviews & author details and more at tektienen.com Free delivery on qualified orders.

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