

**Forensic Science**  
Fall 2007  
Jay Clark and Hal Arenstein

**Class 1 – Aug 24      Introduction to Forensics and Expert Witnesses**

**Read** - *Saferstein* Chapter 1; *Daubert v. Merrel Dow*, 509 U.S. 579, 113 S.Ct.2786 (1993); *Valentine v. Conrad*, 110 Ohio St.3d 42, 2006 Ohio 3561; **SKIM:** *State v. Rangel*, 140 Ohio App.3d 291, 747 N.E.2d 291 (1<sup>st</sup> App. Dist., 2000).

**Class 2 - Aug. 31      Crime Scene Evaluation**

**Read:** *Saferstein*, Chap. 2 and 3; *A Graphic Crime Scene*, *Champion*, Sept./Oct. 2003; Review, *Crime Scene Investigation, A Guide for Law Enforcement*, available at:  
[www.ncjrs.org/pdffiles1/nij/178280.pdf](http://www.ncjrs.org/pdffiles1/nij/178280.pdf)

**Class 3 – Sept. 7      Eyewitness ID**

**Read:** *Actual Innocence*, Chap 3; Three articles from the *Champion*, November 2004, April 2005, August 2005. The policies of the police departments and the article on the mistaken identification of car crash victims by the families of the victim. Just review the Motion to Suppress ID.

Go to the website of Dr. Gary Wells, and review some of the material on the site, [www.psychology.iastate.edu/faculty/gwells/homepage.htm](http://www.psychology.iastate.edu/faculty/gwells/homepage.htm) Be sure to take the Wells Eyewitness Test. The link for the test is about half way down the page in the yellow column. It is just under the link to the June, 2003, Wall Street Journal article. Near the end of the page there are some audio pieces from NPR and other sources you can listen to. Read over the manual located at [www.ncjrs.org/pdffiles1/nij/178240.pdf](http://www.ncjrs.org/pdffiles1/nij/178240.pdf).

**Class 4 – Sept. 14      Daubert Motions**

*Freshwater v. Scheidt*, 86 Ohio St.3d 260 (1999). *How to Cross an Expert*, *Champion*, July/August 2004; *Deconstructing Daubert, Rule 702 and Non-scientific Evidence*, *Champion*, June 2007; *Daubert Challenges to Experts in Federal Court*, *Champion*, July 2007; *Experts, How to Identify, Confront, and Keep Them Off the Stand*, *Champion*, June 2007.

Prepare a Daubert Motion challenging the admission of the subject matter science assigned in class on September 7<sup>th</sup>. The Motion must not **exceed** 4 pages. Your motion must be emailed to both of us at the email addresses below by 5:00 PM on Wednesday, September 12, 2007. Failure to meet this deadline will be considered a missed class and weighted accordingly in your final grade.

For class, be prepared to act as counsel for both the proponent and opponent of the evidence. This means being prepared to get on your feet and conduct questioning at the Daubert Hearing we will conduct in class.

### **Class 5 – Sept. 21 Polygraph**

Polygrapher Jim Bassett will be our speaker. **READ:** *United States v. Scheffer*, 523 U.S. 303 (1998), *Using Polygraphs after Scheffer*, Champion, May/June 2003; *State v. Sharma*, Summit County Common Pleas No. CR-06-09-3248: *Motion to Admit Polygraph, Memorandum in Support*, and *Order*.

### **Class 6 - Sept. 28 Explosive Detecting Canines**

Cincinnati Police Specialist Pat Murray and his partner, Jake, will be our guest. **Read:** *Dog Sniffs are Often Wrong*, Champion, April 2006; *Dog Sniffs and Cars*, Champion, June 2005; Dan Craig Deposition of November 9, 1998. The two, Cincinnati Police Division policies on dog use. The Dan Craig depo is a great explanation on how to properly train a dog for various law enforcement uses.

### **Class 7 - Oct. 5 DNA**

Dr. Julie Heinig of DNA Diagnostics Center will be our guest. **Read:** *Saferstein*, Chapter 13; *Evaluating Forensic DNA Evidence*, Champion, April 2003; *Problems with DNA Evidence*, Champion, June 2006; **Skim:** *Convicted by Juries, Exonerated by Science*, available at [www.ncjrs.org/pdffiles/dnaevid.pdf](http://www.ncjrs.org/pdffiles/dnaevid.pdf) or order the publication from the National Institute of Justice web sites.

### **Class 8 - Oct. 12 Arson**

Hamilton County Common Pleas Judge Robert Ruhlman will be our speaker. **Read:** *State v. Campbell*, 2002 Ohio 1143; *The Lessons of the Oakland Fires Article*; *ATF Sample Report*; *Basic's of Fire - Speaker Notes*; **SKIM:** *Fire and Arson Scene Evidence, A Guide for Safety Personnel*. There is also a bibliography of fire and arson analysis readings on the TWEN for your review.

### **Class 9 - Oct. 26 Forensic Pathology**

Deputy Coroner Michael Kenny, a Forensic Pathologist with the Hamilton County Coroner's Office, will be the guest speaker. The materials consist of several chapters from a pathology text. **Skim** the first 3 chapters (17 pages). These give you much of the *Daubert* info for a pathologist. **Read** the remaining pages. These remaining pages relate to a "technical" understanding of pathology and pathologist reports. Review the provided autopsy report to gain an understanding of the contents and, equally important, what is not included.

### **Class 10 - Nov. 2**

## **Class 11 – Nov. 9**

## **Class 12 – Nov. 16 Hair, Trace, and Fiber Evidence**

Michael Trimpe of the Hamilton County Coroner's Lab will be the guest lecturer. **Read:** *Saferstein*, Chapter 8. *Evaluating Forensic Identification Evidence*, Champion, July 2006.

## **Class 13 - Nov. 30 Firearm and Toolmark Evidence**

Mike Lehnoff from the Hamilton County Coroner's Lab will be the guest lecturer. **Read:** *Saferstein*, Chapter 15; Hamilton County Coroner Lab Report; ATF Firearms ID Guide; **Skim:** *A Systematic Challenge to the Reliability and Admissibility to Firearms and Toolmark Identification*, Columbia Science and Technology Law Review, Vol. IV, 1 and *United States v. Green*, U.S. Dist. Ct. at Mass., Case NO. 02-10301, Judge Gertner Memorandum Order of December 20, 2005. This Order provides an excellent analysis of the issues.

## **Class 14 - Dec. 7 Presenting and Crossing Expert Testimony**

This class will cover the direct and cross of an expert. At the end of class, the Take Home Exam will be distributed. **Read:** *How to Cross an Expert*, Champion, July 2004; *Reasons to Challenge Digital Images*, Champion, July, 2003; *Experts, How to Identify, Confront, and Keep Them Off the Stand*, Champion, June 2007.

### **PLEASE NOTE:**

Both Hal and Jay have their office at 114 E. 8<sup>th</sup> Street. Jay can be reached by phone at 513-587-2887 and by e-mail at [notguilty14@aol.com](mailto:notguilty14@aol.com). Hal can be reached by phone at 513-651-5666 and by e-mail at [halalwayer@aol.com](mailto:halalwayer@aol.com).

If you want additional information on the topics we cover in class, the following web-site is an excellent resource: [www.ncjrs.org](http://www.ncjrs.org). There are numerous web-sites which address the various topics presented, [www.forensic-evidence.com/site/MasterIndex.html](http://www.forensic-evidence.com/site/MasterIndex.html), [www.nlada.org](http://www.nlada.org), <http://forensic.to/forensic.html>, for just a few examples.