

COMPASS CHAMBERS
EDINBURGH
NOVEMBER 2024

EXPERT EVIDENCE

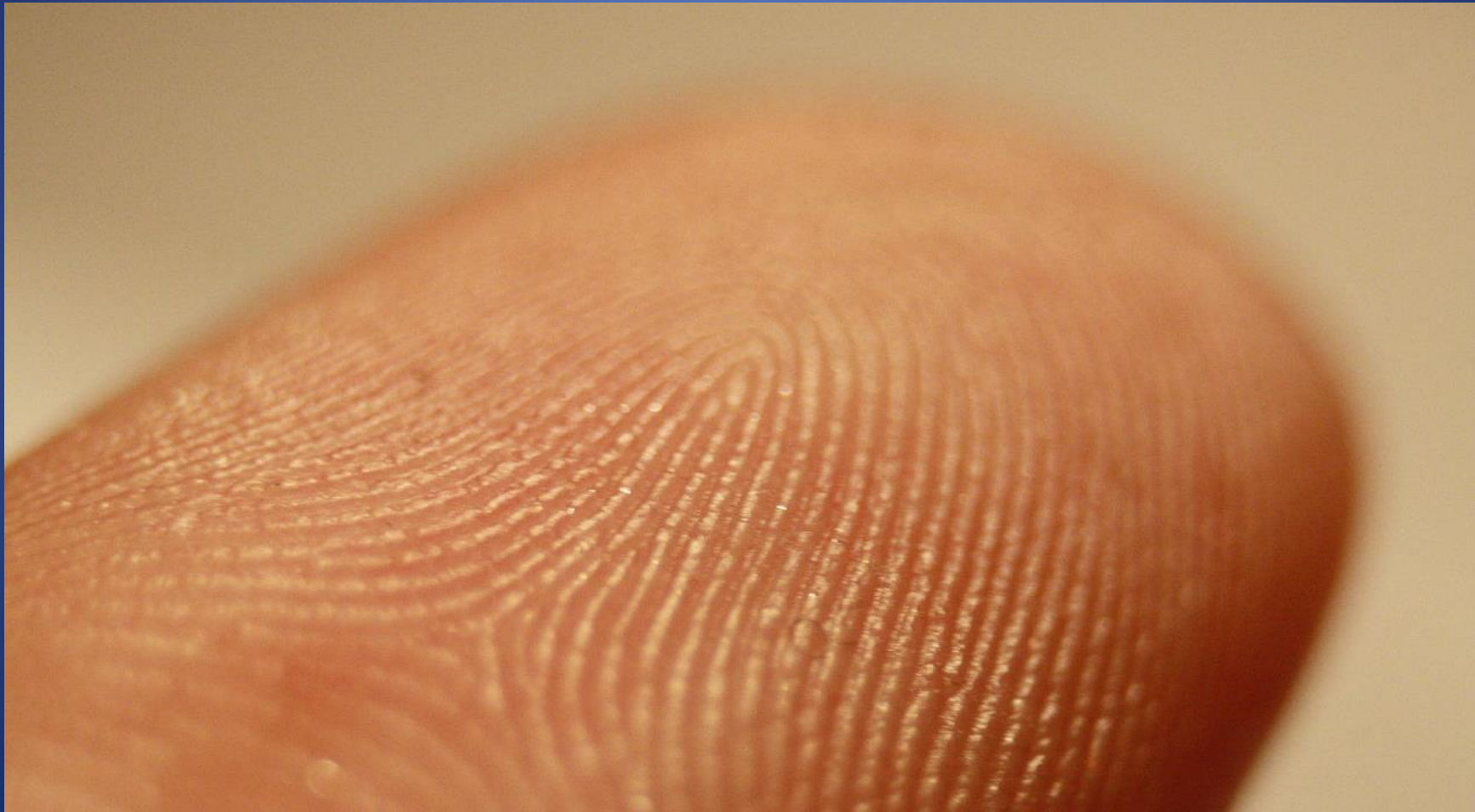
ANDREW SMITH KC

Expert Evidence

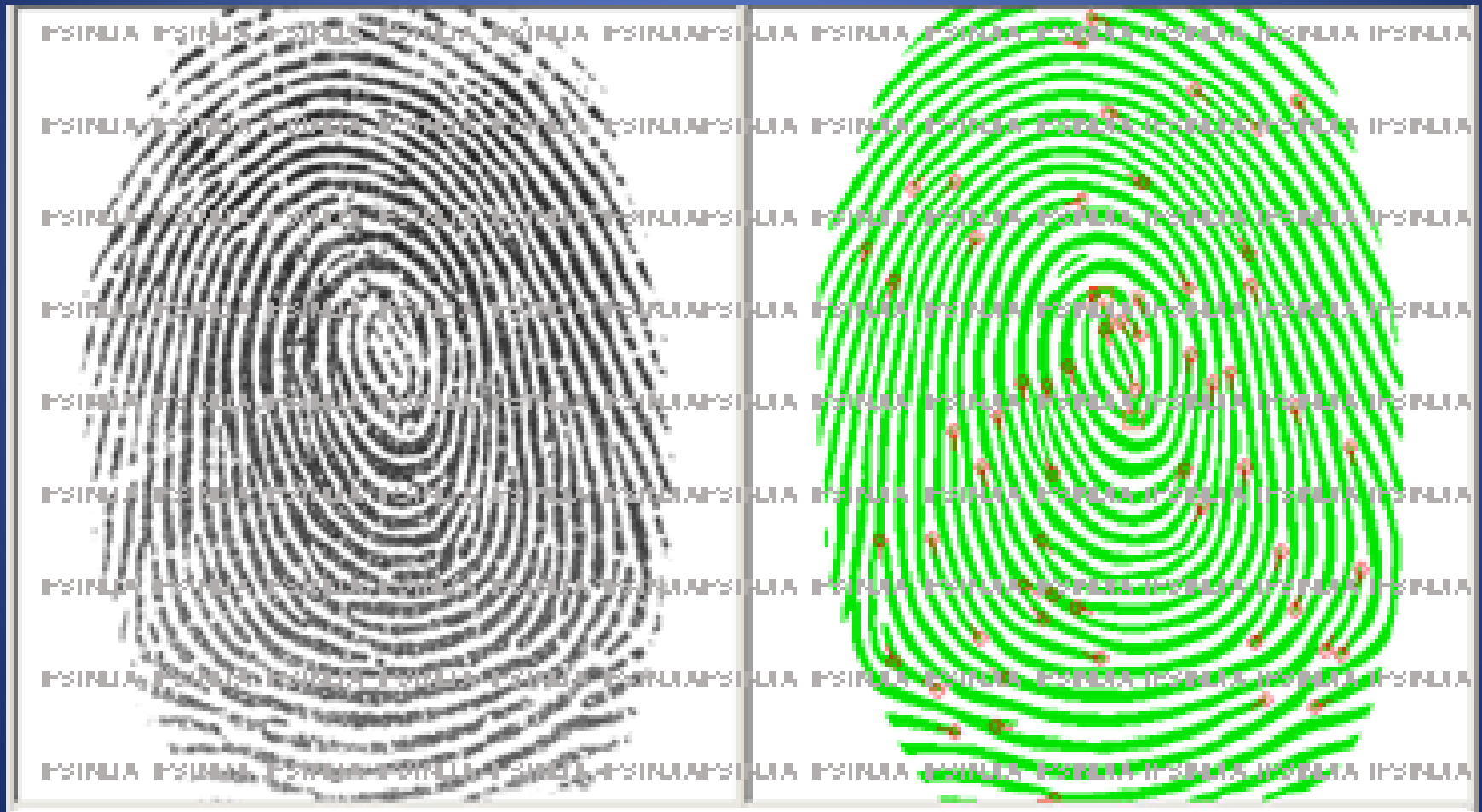
- What is it?
- What makes an expert?
- How can experts be challenged?
- What are the rules regarding expert evidence?

Fingerprints: the Shirley McKie case

- One trial for murder
- One trial for perjury
- One successful appeal against conviction for murder
- Two civil cases
- One public inquiry
- One parliamentary inquiry
- Numerous lives ruined....



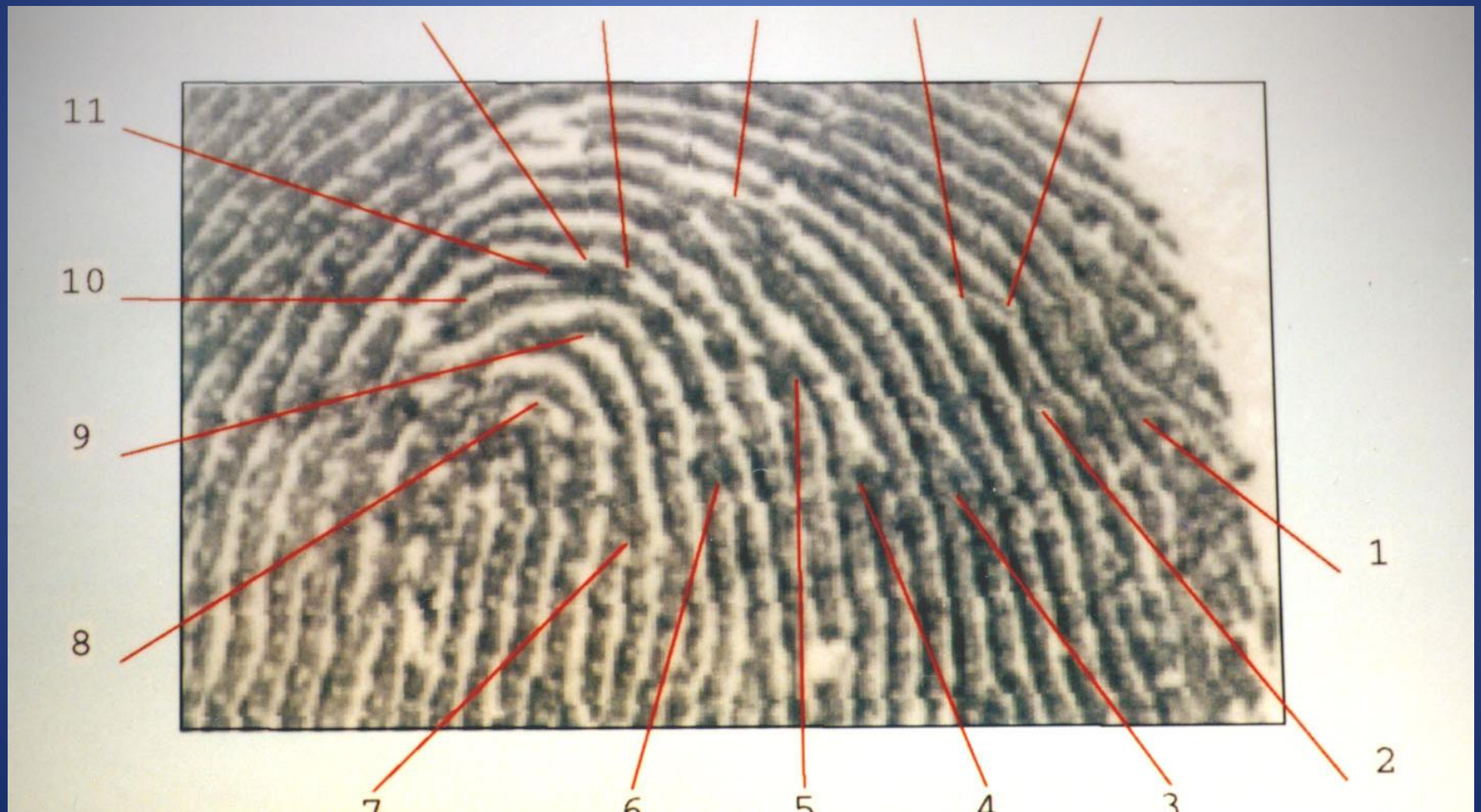
Joining the dots

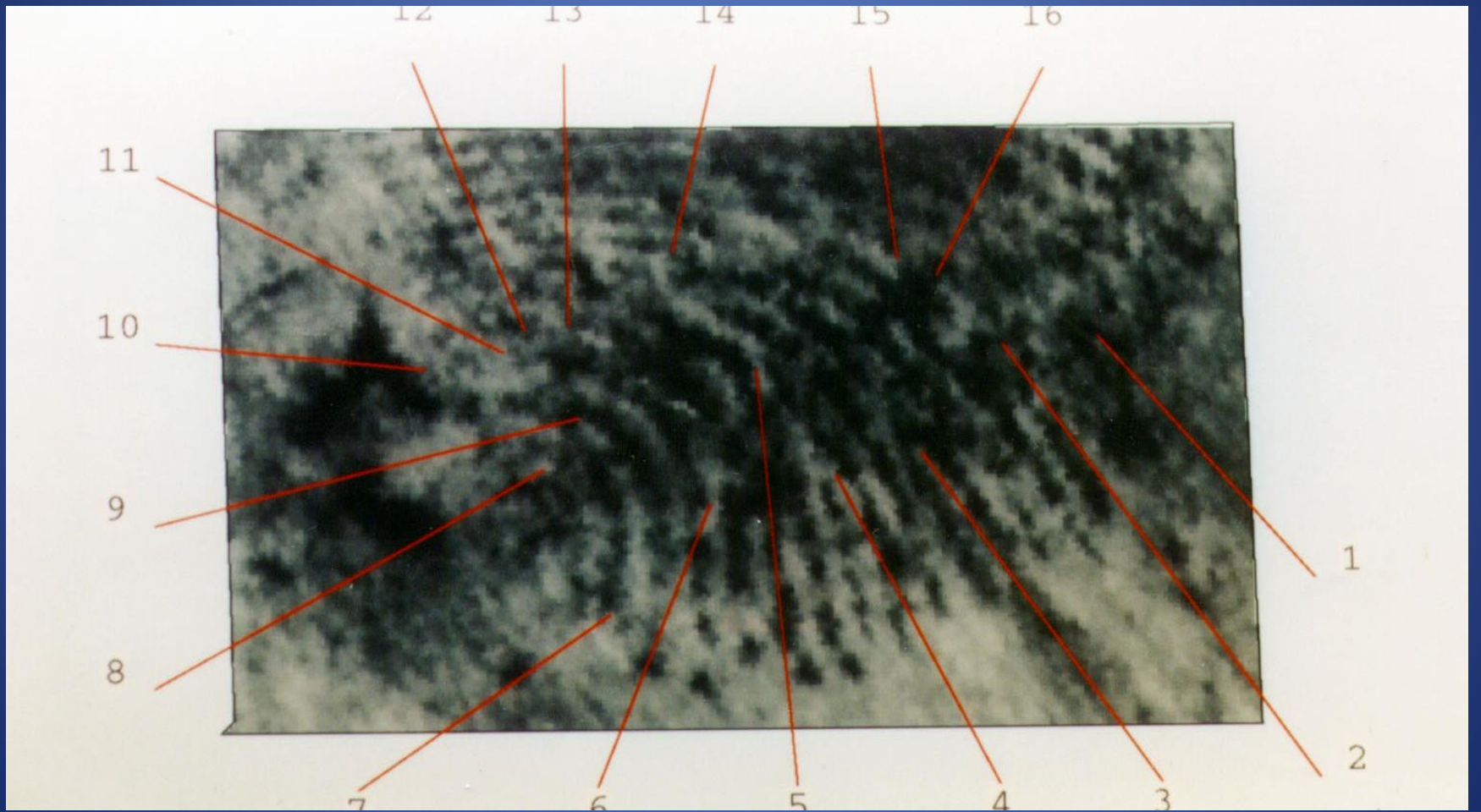


Fingerprint Evidence

- Fact or opinion?
- How was it presented to the jury?

The Sixteen Point Standard





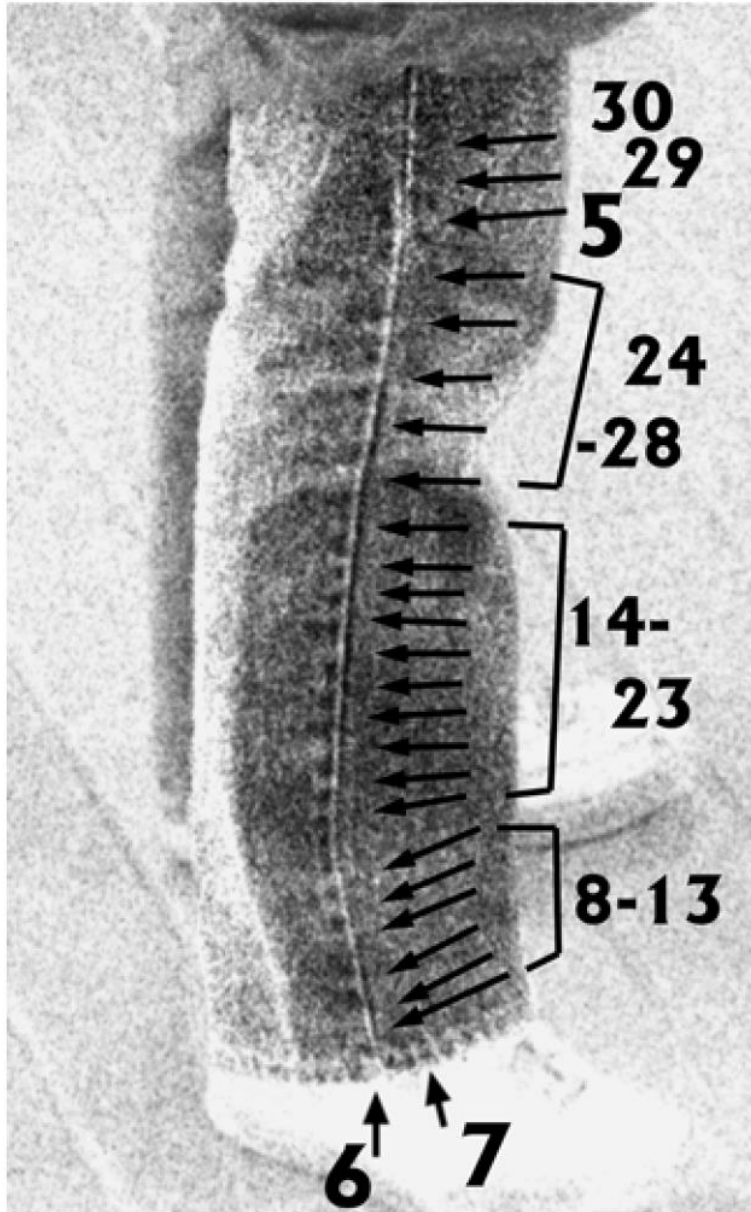




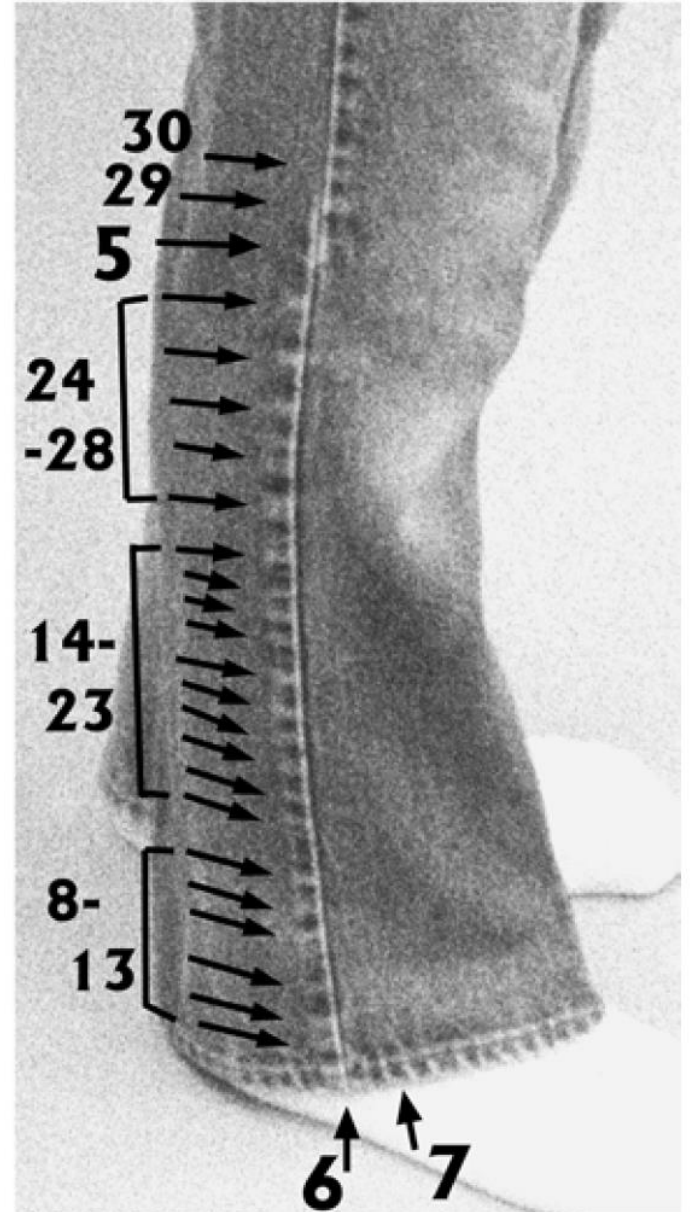
Novel Ideas?

- The wrong trousers.....

QUESTIONED



KNOWN



Other types of forensic evidence

- Facial Recognition
- Ear Prints
- Shoe prints
- DNA
- Lip reading
- Vein patterns



Jacob, LJ

It will be noted that in my summary of the relevant evidence I have not referred to the “evidence” of the branding expert Mr Blackett. This was simply not of assistance. For instance he said in his first report:

“In my capacity as an expert on branding I think the Direct Line Telephone Device is both striking and original.

It is my opinion that the Direct Line Telephone Device is now very well known and has achieved iconic status.”

Well you do not need an “expert” to tell you any of that. The facts speak for themselves. And if that had not been so, then an assertion to the contrary would have been wrong.”

Fundamentals

- Is the expert suitably qualified?
- Is the evidence truly “expert”, in the sense that it cannot be determined without the expert?
- Has the expert the correct information upon which to base the opinion?
- Is the methodology used sound and tested?
- Is the conclusion a correct application of the method to the information provided?
- Is the expert biased? Either by failing to consider all information or no sufficient basis for conclusion

Qualifications and the area of expertise

- Does merely having an interest and lecturing, give you that expertise?
- Is it truly something described as an expert area of evidence?



Professor Erik Neilson, Expert in the Culture of Hip Hop
Testifying for Gary Bradford, aka Eldorado Red

THE HIPHOP ENQUIRER
HiPHOP
ENQUIRER

www.hiphopenquirer.com



Charlotte Watson 1 year ago

What makes this suburban dude a hip hop.expert

Reply · 2  

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top comments



Meyer Lanski 11 months ago



Yo the fact that this fucking guy job exist is fucking crazy this shit mind blowing and even more this mother fucker is an expert ! Of what ? Yo shit crazy!

Reply



The Damaged Expert?

- What might cause you concern about your expert?



High on cocaine and date rape drug 'G': Shock film of NHS children's brain doctor indulging in 'love' for illegal drugs while ON CALL... and he's back at work early the next morning

- Film shows Dr Colin Ferrie asking for syringe to measure out powerful sedative - a 'date rape drug' known as GHB
- Video then shows consultant paediatric neurologist leaning over a kitchen worktop to consume line of cocaine

The Poorly Prepared Expert....

Apparent lack of expertise in his
area..



Jodi Arias Trial

The Jodi Arias Trail

Capital Murder

Defence is she was stalked

Stabbed her ex boyfriend multiple times and shot him in the head

Apparently he slashed her car tyres and said he did not want to be with her any more

Attacking the Professional Opinion

Badgering the witness...

- Defence was that she was a “battered woman”
- Expert speaking to her suffering from a syndrome
- But: syndrome not medically recognised in DSM IV or ICD 10



Is the Expert qualified in the
field?

Pistorius Trial

What type of expert to speak to gunshots through door and whether they were the sound of a cricket bat being hit against it?

Ballistics?

Sound engineer?

Hip hop expert?

Geologist?



SABC NEWS

EXCHANGE RATE AFTER US TREASURY WARNING

KIO 394.93

▲ 1.43

MEDICLINIC INTER 71.51

▼ 0.91

MONDI TDPRE 174.5

Expert Bias?

Making of a Murderer

- Cross examination of DNA expert
- Failure by expert to disclose important matters
- Suggestion that expert influenced by prosecution request

DCI

Ter Toland

SEARCHED INDEXED
SERIALIZED FILED
MAY 10 1967
FBI - MEMPHIS

- * Couple of items from Home & garage (by Dept. for his home or garage)
 - * 2002 from parent of victim will be submitted.
 - * 200 from Stephen Arvey will be submitted.
 - * possible - 1000 from Home - 200 ft. 2000
- and
- D.A. - Mr. Rude - 920-209-1438
File No. 200-209-1000

No proper basis for opinion

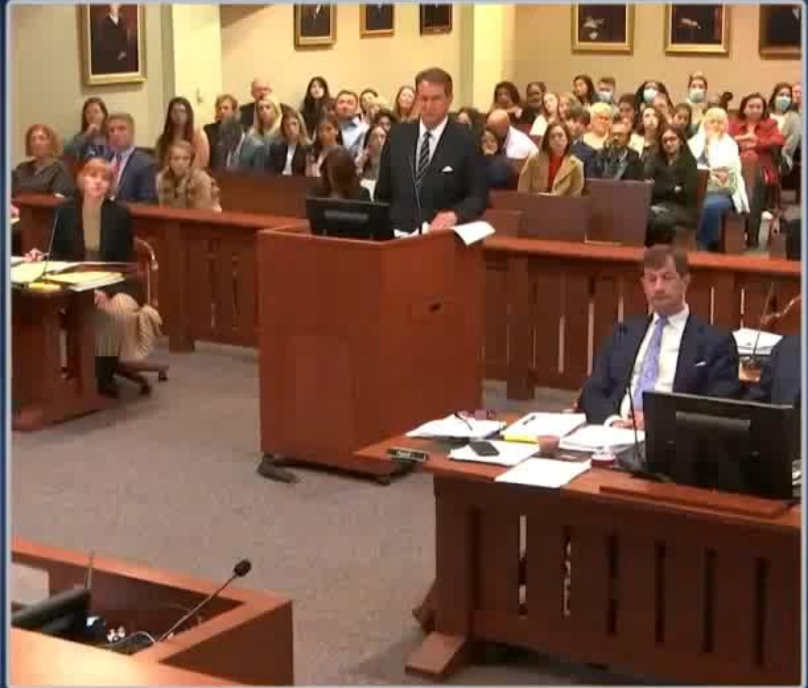
(Juan Martinez goes for another
witness...)



Is there any end to the type of
experts we might have?

Welcome to the USA....






**LAW &
CRIME**
CHANNEL

FOR WRITTEN COVERAGE & ANALYSIS ON THE DEPP TRIAL

GO TO [LAWANDCRIME.COM](https://www.lawandcrime.com) | LINK IN THE DESCRIPTION ↴

If all else fails.....



AUG 15 2007

2:35:37 PM

END.....