Name:

Date:

School:

Facilitator:

3.07 Expert Witness Testimony (45 Points)

# Part 1: Admissibility

**Read the following scenario and answer the questions using complete sentences.**

After examining a toolmark, a scientist concludes that it was made by the set of pliers that were also submitted as evidence. However, these results must be verified by a second examiner. The second examiner finds the results are inconclusive.

The prosecutor is eager to make a case against the suspect and asks to use the first examiners report and wants the first examiner to serve as an expert witness.

1. Toolmark analysis results should be verified by a second examiner because they are **subjective** in nature. Explain how the examiners could make their work more **objective**. (Refer back to lesson 3.01) (2 points)

|  |
| --- |
| *Write your response below using complete sentences:* |
|  |

2. Should the first examiner’s testimony be allowed in court? Using the Frye standard, Federal Rules of Evidence Rule 702, or the Daubert Ruling, explain your reasoning. (3 points)

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| --- |
| *Write your response below using complete sentences:* |
|  |

# Part 2: Expert Testimony

Using your results from 3.01 Toolmark Lab or 3.06 Fingerprint Lab prepare and record an expert witness testimony to explain to a jury your findings.

Below is an outline of the testimony, as well as space to write down what information you would include in each section. Print off this outline, fill it in, and refer to it as you record your witness testimony. Your notes will not be graded.

Practice rounds are recommended prior to submitting your final product.

| **Expert Testimony Sections** | **Your Notes** |
| --- | --- |
| Introduction |  |
| Explanation of assignment as it relates to the case |  |
| Factual findings |  |
| Opinions |  |
| Reasoning |  |

# Part 3: Video Requirements and Rubric

**Your video will be scored according to the following rubric.**

| **Video Requirement** | **Points** | **Your Score / Comments** |
| --- | --- | --- |
| 2:00 to 5:00 minutes in length | 5 points |       |
| Introduction | 5 points |       |
| Explanation of assignment as it relates to the case | 5 points |       |
| Factual findings | 5 points |       |
| Opinions | 5 points |       |
| Reasoning | 5 points |       |
| Presentation (relevant and helpful information, well-prepared, clear-audible voice) | 10 points |       |
| Overall comments:       |