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DNA for exonerating and for convicting.

Â Bill of Rights.Â (From the public domain.)Â A late, ordinarily likeable, often entertaining, and sometimes frustrating (for his overly informal manner that too often overlooked the law and procedural rules) judge was said to have pontificated about speed radar something along the lines that "Radar is spelled the same backwards and forwards, and helped keep me and my fellow sailors safe in wartime." In other words, Radar evidence was impenetrable to attack for him, even though radar and laser evidence is ripe for attack on such grounds as whether the radar and laser were correctly calibrated, whether such calibration evidence exists to come in under evidentiary rules, and whether the equipment was correctly handled by a certified operator. Â Similarly, fingerprint technology is far from infallible. Â Finally, DNA testing is far from infallible, as well, as highlighted in this July 19 Los Angeles Times article -- thanks to Scott Greenfield for posting the article -- concerning a state crime lab analyst's findings since 2001 that debunk the concept that no two people are likely to have similar DNA at nine of thirteen chromosomal markers. The article is lengthy, and I have just started reading it in further depth. Â Of course, such DNA issues also might open a can of worms for trying to exonerate convicts through DNA evidence. Of course, such concerns do not merit doing anything but critically examiningÂ DNA evidence's reliability. Jon Katz.Â

Posted by Jon Katz in Criminal Defense at 00:00