



## Jurisprudence Section – 2005

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### E17 Forensic Science and the Bermudian Criminal Justice System

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After attending this presentation, attendees will understand an analysis of the use of forensic science in two Bermudian murder trials and the application of the Bermuda Criminal Code Act 1909 and other relevant legislation in those cases highlighting the distinctions in law in an old Colonial system

This presentation will impact the forensic community and/or humanity by calling attention to the inadequate methods of gathering and presenting forensic evidence currently practiced here in Bermuda. A consequence of this general approach to the gathering and presentation of forensic evidence is that it may well lead to injustice as evidence of questionable quality and degree is left to the jury for final analysis. In an infamous Bermudian murder case that drew international attention, the prosecuting authorities clearly failed to initially conduct a proper forensic investigation. Subsequently, when eminent professional Dr. Michael Baden and Dr. Henry Lee gave clear evidence at trial, the case was dismissed by the trial judge on the basis that there was no case to answer; a decision later heavily criticized by the British Privy Council.

The proposition of this presentation will highlight how modern forensic science and the gathering of forensic evidence have been poorly applied to an older, British colonial system of law; the British approach to all evidence being guided still by the maxim, "Evidence is good even if it is stolen."

The context will involve a brief overview of the relevant law and discussion of three legal cases, two of which involved the expertise of both Dr. Henry Lee and Dr. Michael Baden. The presentation will involve crime scene photos and discussion of expert evidence.

One will conclude that an improper approach to the application of modern forensic science may lead to injustice within the Bermudian Criminal Justice System.

**Crime Scene, Admissibility of Evidence, Bermuda Law**