



Odontology Section – 2010

F32 Solving Bite Mark Problems During Testimony

Paul G. Stimson, DDS, 902 Lakespur Drive, Sugar Land, TX 77479-5909*

After attending this presentation, attendees will see how to overcome obstacles such as inadmissible evidence, inability to project PowerPoint presentation, and improper case write-up will be explored and solved, prior to testimony and actually on the stand.

This presentation will impact the forensic science community by demonstrating how to overcome such obstacles and avoiding inadmissible evidence.

During this presentation, a demonstration on how to overcome the following three different situations will be shown: (1) you discover your write up has an error just prior to testimony; (2) the judge rules the case materials you have generated for the jury is "inadmissible" and how to solve this matter just prior to testimony; and, (3) the lighting is such in the courtroom that your PowerPoint presentation is "washed out" and will not be viewable to the jury.

Three actual cases will be used to show the above problems and how to overcome these problems. One was done shortly prior to testimony. In the second and third cases, evidence was prepared in the jury's presence. How to create useable evidence in the courtroom suitable for use in the case will be illustrated. This will be a simple show and tell for the jury and demonstrate evidence made in their presence that can be examined by the jury will be shown.

These techniques solve the problem of poor lighting and having the judge rule against the evidence you brought to admit for testimony and education of the jury. A bite mark emergency kit carried to trials involving bite marks.

Experience shows that even after the attorney has deemed the illustrative materials are of good quality and he/she will be able to get them admitted for use, preparation must still be made in the event the evidence has been ruled out.

In the case of the poor lighting, the courtroom was surveyed prior to trial, which was an overcast and cloudy day. The court scene was rather dark and the projection was excellent. On the day of presentation, the courtroom was flooded with bright sunlight and the projection was almost useless, as it could hardly be seen. To overcome this problem bite mark exemplars were created in the jury's presence for demonstration, education, and use.

Evidence Rejection, Production, Kit