



## Breakfast Seminar - 2015

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### BS8 Thomas Krauss Bitemark Breakfast: From *Frye* to *Daubert* — A Change in Legal Standard

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The goal of this presentation is to discuss the challenges facing prosecutors in presenting scientific evidence, generally and specifically those faced when presenting new or novel scientific advances. In particular, discussion will encompass the implication of the change in legal standards from *Frye* to *Daubert* as they apply using the State of Florida as an example.

This presentation will impact the forensic science community by providing a more complete understanding of the prosecution of Casey Anthony.

Born on October 3, 1957, in St. Petersburg, Florida, Jeff Ashton studied law at the University of Florida School of Law and became an Orlando prosecutor. In 1987, he was the first lawyer to earn a conviction by introducing DNA evidence into a case. Decades later, he became the head prosecutor of the sensational 2011 Casey Anthony trial. Ashton has written a book about his experiences, *Imperfect Justice: Prosecuting Casey Anthony*, and was sworn in as a state attorney in 2013.

Jeff Ashton worked in a number of divisions that were part of the state attorney's office before winning his first murder conviction in a 1983 trial. While serving as assistant state attorney in 1987, Ashton took on a groundbreaking role: he began working as prosecutor on the trial of a Florida serial rapist, and during the trial, he introduced DNA-based evidence. The case resulted in the first conviction using DNA testing, with such evidence being used regularly thereafter, in cases throughout the country. Three years later, Ashton established his office's homicide division.

For a time in 2002, Ashton was appointed as head of the juvenile division of the state attorney's office, but missed the courtroom and decided to return to prosecuting. Over his decades-long career, he has taken hundreds of cases to trial.

In June 2011, Ashton worked as prosecutor in the highly sensational Casey Anthony trial. Anthony, a young woman from Florida, was accused of murdering her 2-year-old daughter, Caylee Anthony, whose remains were found near the Anthony home. The case received a huge amount of media attention focusing on the Anthony family's back-story, with the prosecution taking the stance that Anthony was guilty of murder, and the defense countering that Caylee's death was an accident that was subsequently covered up.

On July 5, 2011, the jury found Casey Anthony not guilty of first-degree murder, aggravated manslaughter, or aggravated child abuse charges. Anthony was found guilty of charges related to providing the police with false information, and was placed on parole after receiving a fine and credit for time served. Ashton was stunned by the decision.

As he'd intended, Ashton retired from working as prosecutor after the trial and worked part-time at a law firm. In November 2011, Ashton released the best-selling book, *Imperfect Justice: Prosecuting Casey Anthony*, published by William Morrow. In his book, the prosecutor deconstructs the case, including his thoughts on Anthony's Defense Attorney, Jose Baez, and the use of the death penalty.

In 2012, Ashton ran for the state attorney seat in the Floridian counties of Orange and Osceola, against his former supervisor, Lawson Lamar. Ashton won the election and, in early January 2013, was sworn in as a state attorney. That same month, the Lifetime Network aired, *Prosecuting Casey Anthony*, a TV movie based on Ashton's book, starring Rob Lowe as the prosecutor.

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*Frye, Daubert, Jeffery Ashton*