



F4 The Aaron Hernandez Verdict: Hard Work and Critical Analysis Secure Acquittal

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After attending this presentation, attendees will better understand the significance of the collaborative process in case trial preparation and presentation, including expert consultations, site visits, and demonstrative evidence.

This presentation will impact the forensic science community by reinforcing and demonstrating the importance of the process and the significance of the collaborative process in case trial preparation and presentation, including expert consultations, site visits, and demonstrative evidence. In so doing, the process of pursuing justice will be enhanced.

The critical import of understanding the forensic evidence in a case — from the vantage point of what exactly it *does* and *does not* prove — is critical in the pursuit of justice. There are at least two sides to every story, although sometimes a prosecution moves forward insisting that only one version of events is truthful and that the facts revealed by forensic evidence can lead to only a single version — the state's interpretation. The latter seems obvious, simply by the fact that the case is going to trial. Telling the rest of the story requires knowledge, determination, and time.

The fundamental importance of preparation with all the experts in a case is frequently rewarded with a fuller understanding of strengths and weakness of a case. The case preparation phase should also include not only visiting the crime lab and the medical examiner's office, but also the various crime scenes to evaluate possibilities perhaps not considered or dismissed by primary investigators. Such visits may also include scene re-enactment or reconstruction to facilitate a better understanding of what aspects of a case may actually be fact, as opposed to opinion or interpretation. For example, clearly showing relative body positions when injuries were sustained goes beyond the typical "anatomic position" of the autopsy and leads to the conversation about bodies positioning in the real world. Ultimately, counsel should seek first to understand what happened and how it happened in order to place that information into the larger context. Hand-in-hand with the former is comprehending the different elements of the forensic evidence and trying to ensure that the jurors grasp the nuances of the evidence.

Due to limited resources and overwhelming caseloads, the forensic pathologist actually visiting the scene and incorporating that visit with the autopsy findings is a dying exercise. Fewer and fewer offices are able to send the Medical Examiner (ME) to the scene. A regionalized death investigation system, currently being considered by some jurisdictions, would further limit the forensic pathologist visiting the death scene. In many areas, primary death scene functions are performed by lay investigators — either law enforcement, a coroner, or the ME staff. Sometimes, this may result in little more than the police "telling" the pathologist what happened.

In a death case, prosecutors are commonly urged to bring the decedent to life. The defense is usually admonished to minimize or ignore this strategy. In point of fact, the message of the dead may be more important to the defense than to the prosecution. The old adage that the dead speak to the forensic pathologist has its basis in fact. Counsel should work with the medical experts to translate that conversation to the jury in clear, understandable, and *understood* language.

Utilizing the highly scrutinized and widely publicized double murder trial of former professional football player Aaron Hernandez, which resulted in his acquittal, illustrates the importance of preparation and demonstrations. Taking advantage of the varied strengths of the forensic experts can prove remarkably helpful in facilitating conveyance of the message to the jury. To that end, demonstrative evidence, scene representation, and alternate interpretations can be of critical import in communicating with the jury by visually portraying exactly the points that need to be made.

Collaboration, Demonstrative Evidence, Aaron Hernandez