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Book Reviews: Technical Books Section

...THREE EXCELLENT BOOKS ON CRIMINAL EVIDENCE ...Overall, I am very impressed with all the three books, and can heartily recommend the books to all professionals dealing with crime and its detection. I would imagine, these books would be very valuable to criminologists, forensic scientists, forensic pathologists and police personnel. Undergraduate and postgraduate students studying these courses would probably benefit the most, as the books are written in a very user friendly style...

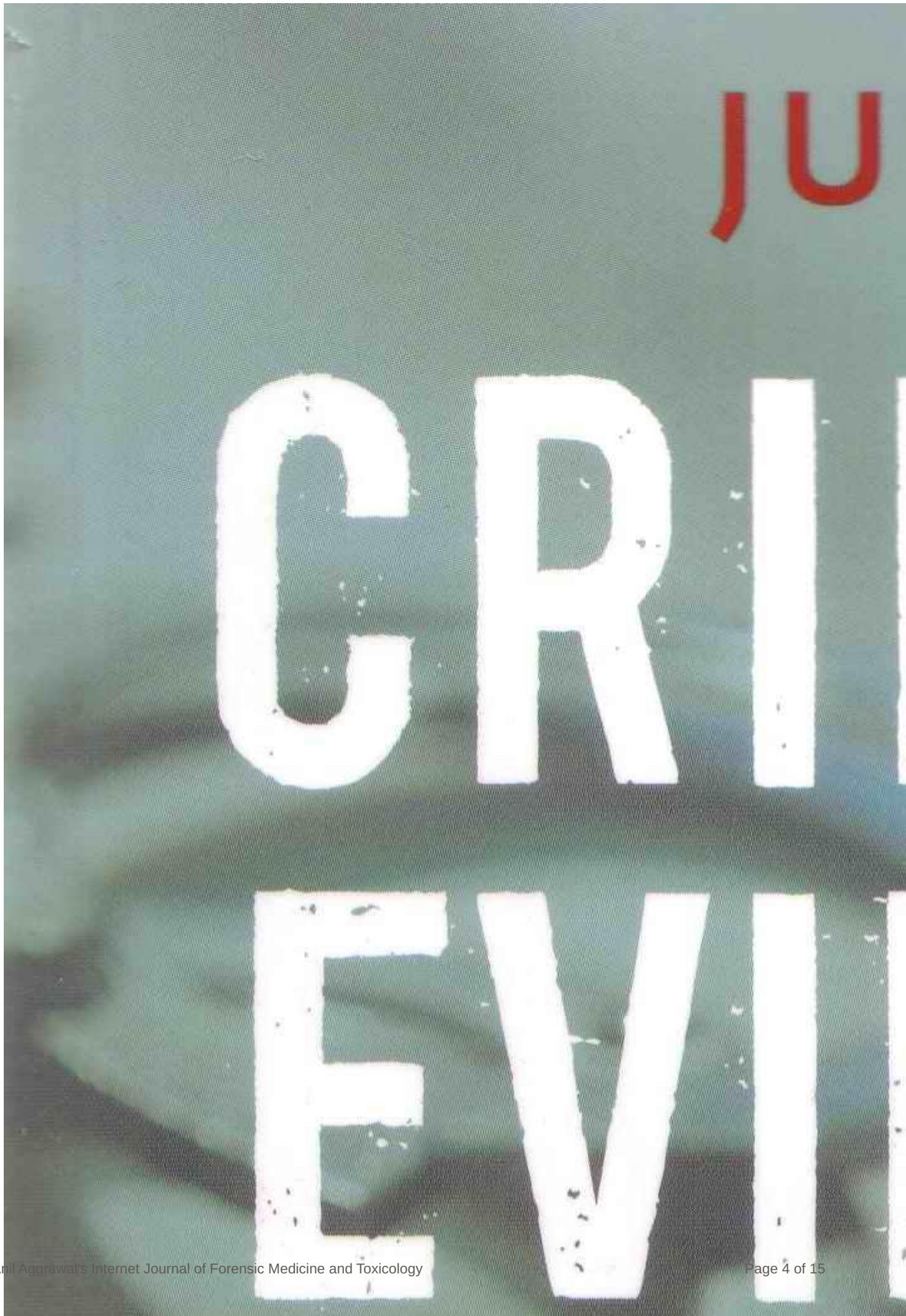
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Thomas J.

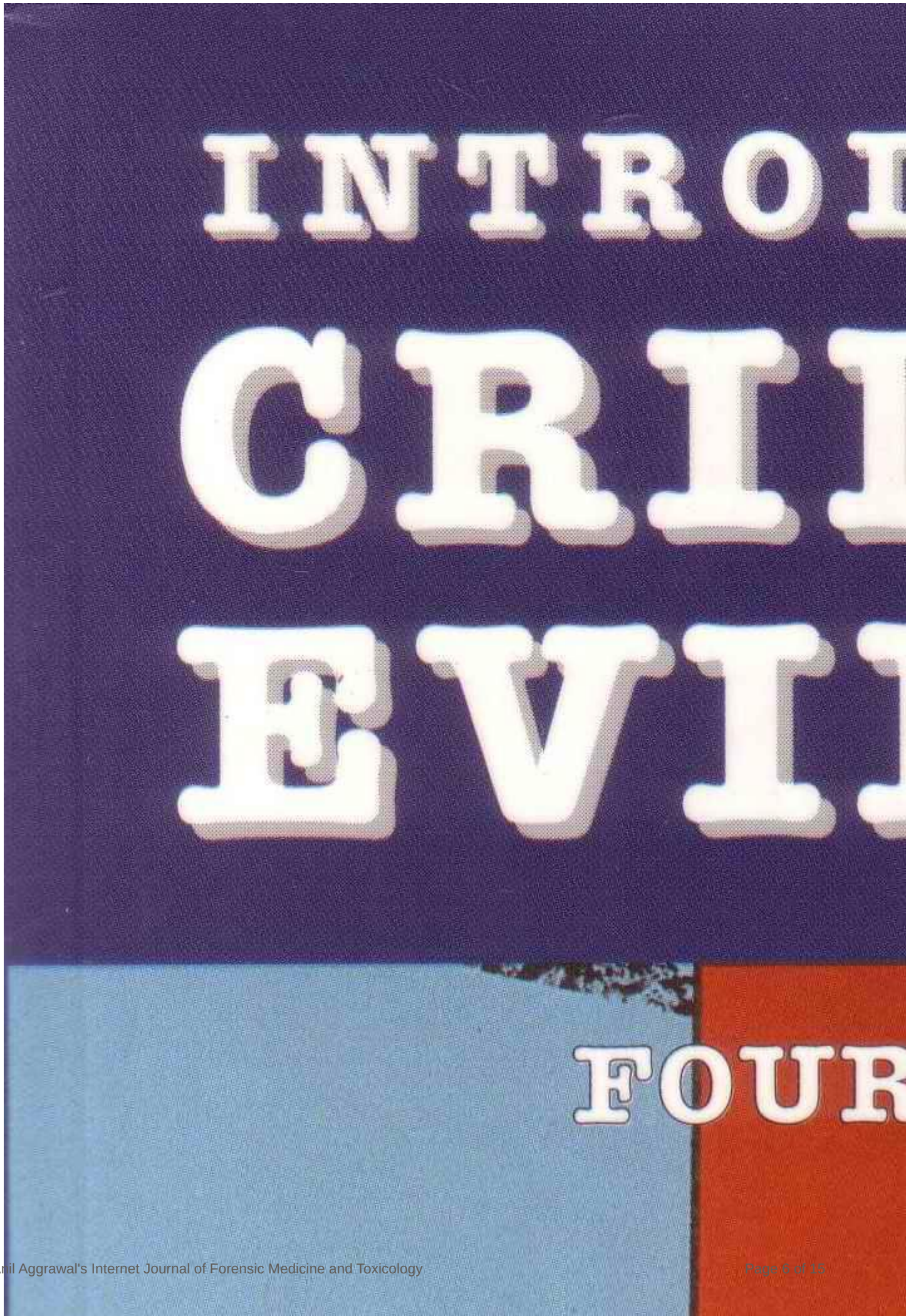
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INTRO
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FOUR

English lawyer and writer Sir William Blackstone (1723 – 1780) defined evidence in the 1760s as "that which demonstrates, makes clear or ascertains the truth of the very fact or point in issue, either on the one side or other." It can be testimony of witnesses, physical objects, documents, records, blood and seminal stains, other biological evidences, fingerprints, photographs, blood stained clothes, tire marks, foot prints and a number of other similar items. A proper understanding of physical evidence is necessary for criminologists and criminal lawyers. Testimonies of witnesses more likely concern the lawyers and judiciary.

View this book on Amazon

These three books on criminal evidence deal with this subject very effectively. These are easily the most remarkable I have seen on this subject. All three are written in a very user-friendly style. Gardner and Anderson divide their book in four broad parts. The first part (chapters 1-4) is an introduction to criminal evidence, where they seek to introduce this subject to the reader. The second (chapters 5-8) deals with witnesses and their testimony. Third part (chapters 9-15) is very interesting. Here they deal with those situations where evidence cannot be used because of police mistakes or misconduct. Finally, in part 4 (chapters 16-18) – the part which should be of great interest to forensic scientists and forensic pathologist like me – they deal with crime scene and how to document the various evidences.

All three books are richly illustrated. This is an illustrative diagram from the Gardner and Anderson dusting for fingerprints. The objects he is dusting are shields that had been used to reflect light on mari



Hails has divided her work in 16 chapters. Chapters 1 and 2 provide a basic introduction to the American legal system. Other chapters deal with such subjects as basic concepts of evidence, direct and circumstantial evidence, handling of trial witnesses and so on.

Hails explains virtually every difficult or ambiguous concept with an example. This approach clears ambiguity immediately. One can find such illustrative examples virtually on every page. For instance, let us have a look on pages 315-8, where she is trying to explain the standard of temporary detention, as is set out in *Terry v. Ohio*. The standard for temporary detention is as below:

The police may temporarily detain someone for questioning if there are specific articulable facts that would lead a reasonable police officer to believe that criminal activity is occurring.

The standard for this type of stop is a ***reasonable suspicion***. This may not be a very simple a concept to understand, *without* examples. On page 317, the author gives some examples of what are reasonable and what are unreasonable suspicions. Consider these examples:

Reasonable suspicion, and therefore a legal detention examples:

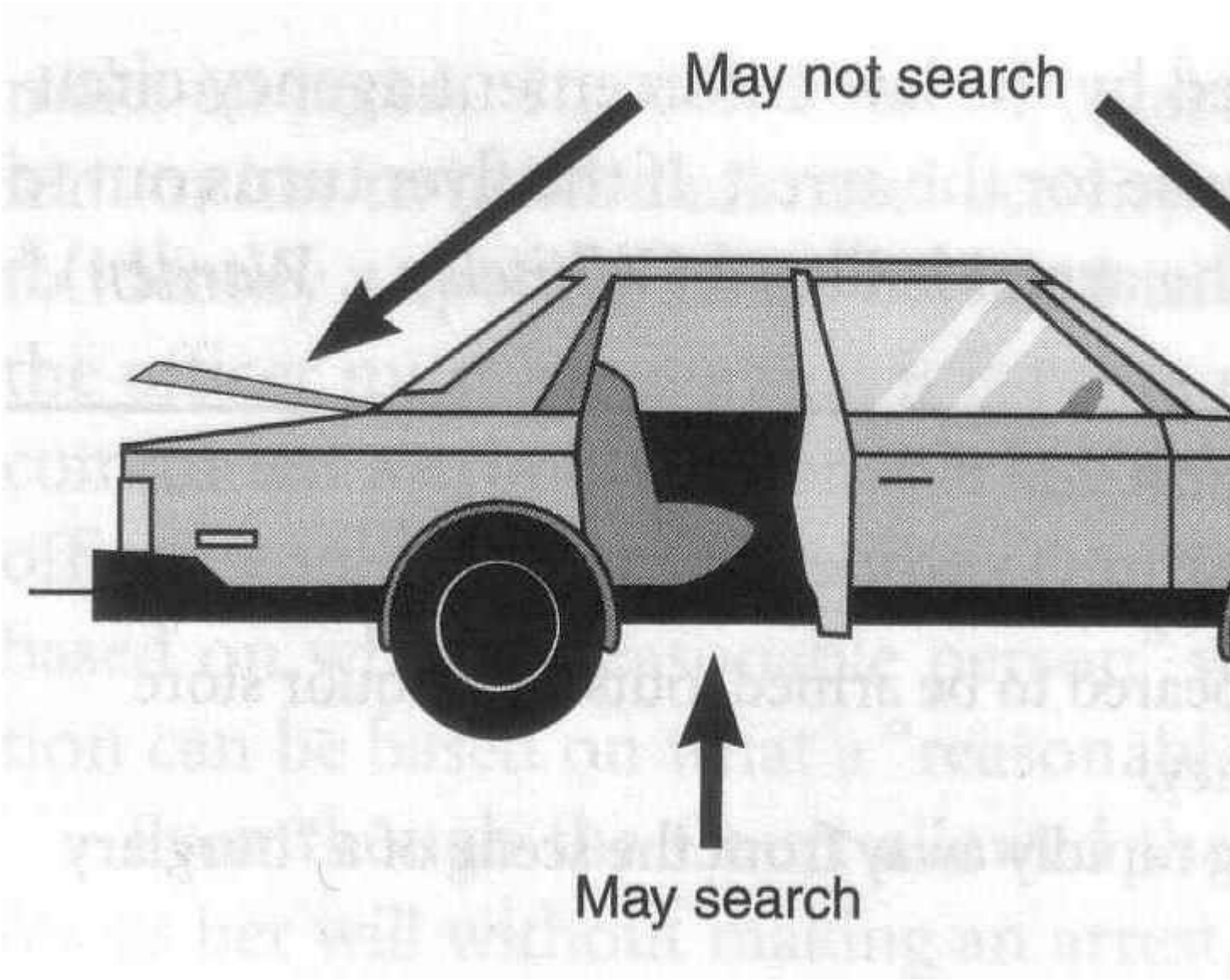
• *Police observed two suspects, who appeared to be armed, outside a liquor store intently watching the clerk count money.*

• *Police saw a car with lights out driving rapidly away from the scene of a "burglary now" call.*

• *Police saw a person matching the description of a robbery suspect running away from the scene shortly after the robbery occurred.*

Following examples of Illegal Detentions makes the point clearer further.

An illustrative diagram from the Judy Hail's book. There was recently a shooting in the area, and the clearly explains that in such situations, what may or may not be searched. [This diagram appears on pa



• *Police stopped a person who was standing on a corner near the location where drug dealers frequently made sales.*

• *Police saw a car driving slowly in a residential area, stopping frequently to look at numbers painted on the curb in front of houses.*

• *Police stopped a person who was jogging at night in an industrial area.*

The book explains many concepts by diagrams also. A diagram on page 318 explains what may or may not be searched during a temporary detention (*please see above right*).

The author of the third book, Waltz also uses a number of examples to explain difficult concepts. Many of these examples are in the form of dialogues between lawyers and witnesses. Consider this example from pages 345-6, where he is trying to stress how positive identification of a questioned substance can be made only by comparing the results of a given test on the unknown sample with the results obtained from the same test on a known sample.

BY DEFENSE COUNSEL: Doctor Faust, I understand that the police gave you four bags of material to test, is that right?

A: Yes, it is.

Q: Did you test the entire contents of those four bags?

A: Just samples from each one.

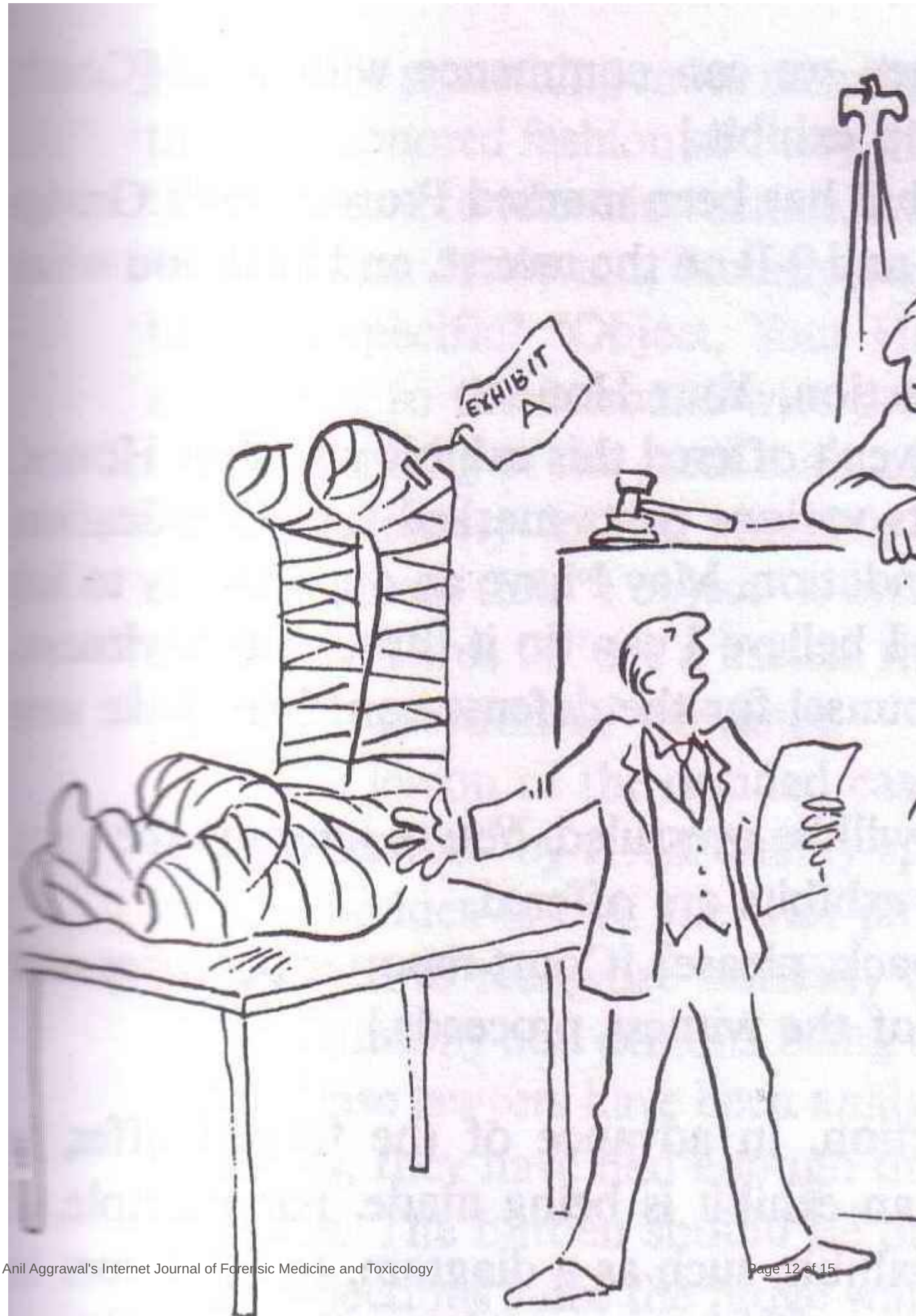
Q: And then what did you do with the bags?

A: Gave them back to the police.

Q: Ever see them again?

A: No.

This cartoon from page 49 from Waltz's book tends to "lighten" the mood of the reader,


EXHIBIT
A

Q: Do you still have the samples that you took from them?

A: No, I don't.

Q: Did you have any left over after your testing?

A: Probably.

Q: Well, what happened to it?

A: I would have destroyed it.

Q: So there is no way that an expert engaged by the defendant in this case could duplicate the tests that you performed?

A: That's right, I suppose.

Q: In doing your testing did you have to rely on any published sources?

A: Yes, I use ***"Methods of Analysis for Alkaloids, Opiates, Marijuana, Barbiturates, and Miscellaneous Drugs"****.*

Q: Who puts that out?

A: The Internal Revenue Service.

Q: Can you give us the name of the author?

A: No; I can't.

Q: So you wouldn't know what kind of training the author had, if any?

A: No.

Q: On your direct examination you spoke of running a spectrophotometer, did you not?

A: Yes, Sir.

Q: Do you have the results of the testing procedure with you?

A: Yes, Sir.

Who is an expert? Well, Waltz explains you nicely in chapter 17 (pages 301-322), but y and perhaps can have a hearty laugh. (Please Click to enlarge)

Ed Freebish



Q: You are handing me some graphs, is that right?

A: Yes, graphics.

Q: What do they do for you?

A: See the peaks? By seeing where the peak is, we can tell whether what we've got is morphine or heroin or whatever.

Q: But these graphs show different peaks, don't they?

A: Of course. The heroin content differed from bag to bag.

Q: I see. You would have to have special training to read these graphs then?

A: Surely.

Q: If I show you some different graphs could you read them for the court and jury?

A: I'd have to have something to compare them with or I couldn't.

Q: So these graphs, by themselves, tell you nothing?

A: Standing alone, that's right.

Q: And you threw away the samples?

A: Yes, I did.

The book “lightens” the text at several places by giving interesting cartoons. The cartoons, reproduced above are from pages 49 and 305, where the author is talking about tangible evidences, and qualifications of an expert witness respectively.

Overall, I am very impressed with all the three books, and can heartily recommend the books to all professionals dealing with crime and its detection. I would imagine, these books would be very valuable to criminologists, forensic scientists, forensic pathologists and police personnel. Undergraduate and postgraduate students studying these courses would probably benefit the most, as the books are written in a very user friendly style. Some material is common among these books, as all deal with the same subject, yet I would imagine that the three books form a nice complement to each other, and it would be nice to have all three books. I would certainly be using these books for my ready reference from this point onwards.

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