

Questioning forensic analysts

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The controversy over the Confrontation Clause of the Constitution has been going on for many years. The Confrontation Clause states that a criminal defendant has the right “ to be confronted with the witnesses against him”. These witnesses include forensic analysts. Currently, the defense in a court of law is required to cross-examine forensic analysts.

The Confrontation Clause derives from seventeenth century England. This clause was brought to the United States with the colonists, “ like many other English legal practices”. The American colonists themselves faced similar abuses in the 1760s, when Parliament allowed the colonial vice-admiralty courts to try certain offenses using a “ civil law” model of trial based on written interrogatories instead of live testimony”. Since the beginnings of this clause, it has been disliked. In a court of law, the defense should not be required to cross-examine forensic analysts because the evidence and statements should have been done according to previous standards. Even though the defense has been required to question forensic analysts for almost 6 years, many states have refused to follow up on the enactment of this law.

The refusal of questioning by many states is not believed to be “ violating a defendant’s confrontation rights”. If there was not a Confrontation Clause in the first place, then there would not be a controversy to be had. The results found by forensic analysts are rested upon evidence, and do not rely solely on assumptions. Rather than the forensic analysts testifying, it would be smarter to have “ a truly independent reviewer or supervisor of testing results”. If a prosecutor wanted to use forensic evidence, they should be able to use this evidence without the cross-examination done by the defense.

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Recently “ theSupremeCourt made it easier for prosecutors to use expert testimony about DNA laboratory reports at trial without allowing defendants to confront and question the forensic analysts involved in the tests”. The “ CSI” effect is one of the main recent reasons why the forensic analysts are now being required to be cross-examined by the defense. It is an unproven phenomenon that current crime television shows have an influence on the credibility of forensic analysts in a court of law. According to Kimberlianne Podlas, an associate professor of criminal appellate law in NYC and has argues more than 100 cases, “ the empirical data does not support the existence of a CSI Effect—at least not one that perverts guilty verdicts into wrongful acquittals”. This goes to show that the questioning of forensic analysts is based upon an imaginable phenomena that cannot even be proven.

This so-called “ effect” should not be a standing point of this controversy. When defending the use of the Confrontation Clause, the “ CSI” effect is used to undermine the credibility of forensic analysts. The economy of the U. S. A. has its ups and its downs. Currently, this country is down. The government does not have room to waste money, or resources, in any way, shape, or form. By questioning forensic analysts, more resources are being used. The judge will be paid more for a longer trial, as well as, the defense lawyers and prosecutors.

Also, the forensic analyst in question would be pulled away from his/her lab, instead of using valuable state resources, including time, to be cross-examined on the already reliable evidence and test results done by the said

forensic analyst. The questioning of forensic analysts requires more time and money to be put into the court system. The nation should not waste more money on bringing the analysts to court to testify, when they could be back in their lab getting more work done. “ According to a recent National Academy of Sciences (NAS) study, forensic science is not nearly as reliable as it is perceived to be. DNA specimens, for instance, are sometimes contaminated; fingerprint, ballistics and even run-of-the-mill drug and alcohol analyses depend on human interpretation and thus are subject to error”. The other side of this argument is that forensic analysts should be questioned.

People base their opinions of this of the recent study done by the NAS and, also the popular “ CSI” effect. Both of which have never been proven by true empirical data, but only the ideas and beliefs of a group of people. The confrontation clause should be taken out of the sixth amendment, or altered to better fit the current court system. By doing so, the forensic analysts will not waste valuable state resources by being pulled away from their labs. Also, the elimination or alteration of this clause in the sixth amendment will further deplete the phenomena of the “ CSI” effect.

Also, with nothing to reject to reject to the controversy will slowly diminish. In conclusion, the defense lawyers should not be required to question the forensic analysts in a court of law. Many states have already rejected the questioning of forensic analysts. Also, the main reason behind this cross-examination is because of an unprovable belief by a few people. By questioning these analysts, more precious state resources are being exerted into the judicial systems causing less to be used in other places where it is <https://assignbuster.com/questioning-forensic-analysts/>

more needed. Now that this argument has been explained, it is now called to action to implement a new and improved confrontation clause that will save state resources, eliminate the “CSI” effect, and also stop the rejection of questioning.