

PRESENTING DNA TYPING EVIDENCE IN THE VIRGINIA COURTS

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The successful presentation of DNA typing evidence always begins at the crime scene and requires continued coordinated efforts from that point until the forensic scientist testifies to conclusions that will provide a degree of certainty to a panel of fascinated jurors. The forensic expert must assist in the education of police officers and prosecutors before we enter the courtroom together to educate the jurors.

The Commonwealth of Virginia advances the truth-finding process by providing the resources, statutes, and case law necessary to promote integrity and fairness in the collection, analysis, and presentation of DNA typing evidence.

This presentation will address Virginia's approach to these issues, from the collection of physical evidence at the crime scene to the admissibility of the expert's conclusions at trial. The general acceptance and reliability of DNA evidence is recognized by statute and case law in Virginia, where the belief in its reliability does not subject potential jurors to a strike for cause. Pretrial notice procedures require timely disclosure of the scientific results in order to ensure fairness to the criminal defendant.

Finally, the presentation will address the major impact the prosecutor can expect this compelling evidence to have upon the defense strategy in the criminal case. With little or no ammunition with which to attack the science, the defense bar will often attempt to challenge the methodology, the statistical analysis, or even the motives of government witnesses. Some cases will produce an even more drastic shift in the defense strategy.