### Rationale

It is crucial that crime scene investigators and forensic scientists understand the official significance of evidence, from collection to the courtroom. Also, forensic science has many different divisions and each specialty has a distinctive role in the legal system. Understanding this is essential for functioning productively and effectively within the system.

### Objectives

The student will be able to:

1. Provide similarities and difference between criminalistics and forensics, and explain the different duties of each forensic unit.
2. Describe the legal responsibilities of forensic science professionals in and out of the courtroom.
3. Recognize the function of evidence and how it is perceived in the courtroom according to the law.

### Engage

Read and discuss the following article with the class:

Use the Discussion Rubric for assessment.

### Key Points

1. **Our Rights and Their Effect on Forensic Evidence** – understanding the rights of United States citizens under the law (Bill of Rights) is vital when collecting, analyzing, and presenting evidence in the legal system
   
   **A. Evidence Collection – The Fourth Amendment**
   
   1. **Right of Search and Seizure Regulated** – “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”
   
   2. **Unlawful Search and Seizure**
      
      a) When the court says an individual’s rights were violated, any evidence derived from the search and seizure will be kept out of the criminal case, if the case is against the person whose rights were violated
      
      b) It is very important that evidence is collected lawfully, without an evasion of privacy or with a search warrant, so it will not be ruled inadmissible in court
   
   3. **Searching – Was There an Invasion of Privacy?** The court will ask two things (if either of these answers is no, then any evidence collected can be admissible in court)
      
      a) Did the owner of the home or property that was investigated or searched expect a “degree of privacy”?
      
      b) Was this expectation of privacy reasonable and legitimate?
4. Search Warrant – a judicial order that authorizes the law enforcement agencies to conduct a search of a location/person and to seize any evidence of a criminal offense. To issue a search warrant police have to show the judge that
   a) Probable cause exists that a crime has occurred
   b) Evidence or contraband linked to the crime will probably be found on a certain location on the property or person at issue
5. Search Warrant Not Needed
   a) Consent is given for the search (no warrant is needed, even in the future, once consent is given)
   b) Emergency – someone is in danger, or there might be destruction of evidence
   c) After an arrest – an officer can search the person and immediate surroundings
   d) Plain view – if the police are there legally and evidence is in plain view
   e) Reasonable suspicion – if police believe they will find a weapon or drugs on a person or in a car, they can legally search

B. Regulations for the Prosecution – Fifth Amendment: “No person shall be held to answer for a capital, or otherwise infamous crime, unless on an indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”
1. Difficult/Publicized /Capitol Cases
   a) In many states, a grand jury (16 – 24 citizens) meets to decide if there is enough evidence before a citizen can even be indicted for a crime
   b) The grand jury is an “arm” of the prosecutor office, the defense does not even present at a grand jury
2. Double Jeopardy
   a) It is imperative that every bit of evidence be found in the case before it is brought to trial
   b) If a person is found innocent of a crime and more evidence is discovered after the trial, the person cannot be put on trial again for that same crime
3. Due Process – everyone is treated the same
4. Plea Bargaining – even with all the hard work and effort put forth by law enforcement officials toward criminal cases, up to 90% of all cases are plea bargained and never go to trial (Deslich, 2006)

C. Trial Policies – Sixth and Seventh Amendment
1. Sixth Amendment – “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to
be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

a) Speedy Trial
   (1) Depends on state statute, but generally 90 – 120 days for an imprisoned defendant, unless waived by the individual
   (2) The following slow the process:
      (a) The defendant is out on bail
      (b) Motions
      (c) Illness
      (d) Lack of attorney(s)
   (3) The defendant can ask for a speedier trial; for law enforcement this is mixed news
      (a) Speedy trial rules make it imperative to find all of the evidence as soon as possible
      (b) Delays might be beneficial to law enforcement because they lengthen the evidence collection and analysis time period
b) Witnesses – any witness for the defense or the prosecution can be subpoenaed to appear in court
c) Informed of Charge
   (1) Once arrested, a defendant has 72 hours to be arraigned, told what he is charged with, and offer his plea
   (2) The more evidence collected before the arrest
      (a) The better it is known
         (i) What to charge the defendant with
         (ii) The extent of the charges
      (b) Has implications regarding the amount of the bail
d) Defense Council
   (1) A defendant has the right to an attorney
      (a) If they can’t afford one, the court must provide one
      (b) A defense attorney must know every bit of the prosecutor’s evidence in the case to prepare
      (c) The defense attorney’s job is to get the defendant freed—any and all evidence and evidence procedures can be questioned; this includes collection, handling, delivery, analysis, testimony, and documentation

2. Seventh Amendment – “In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.”
   a) Impartial Trial by Jury
      (1) Jury of the individual’s peers is the standard
      (2) Some evidence and its analysis are very intricate, detailed, and difficult to understand outside of the scientific community; this can help or hurt the defendant
b) United States Court – all courts used for trials should be controlled by the United States government; furthermore, all verdicts handed down by these courts are final (unless appealed to a higher court)

II. The Evidence in Court – how evidence is received in a court of law is extremely important to a crime scene professional. Because of the Constitution’s view of “innocent until proven guilty” and the rights of the accused, it is crucial that those in law enforcement understand the types of evidence, how it is perceived in court, how to testify to its significance, and the importance of proper evidence collection and handling

A. Power of the Evidence in Court

1. Probative Value
   a) Higher value if the evidence can prove something in court
   b) The lower the probability of an event, the higher the probative value

2. Probability – the frequency of the occurrence of an event
   a) Defines the odds that a certain event will occur (or the matching of a certain pieces of evidence)
   b) Normally found by multiplying the odds
   c) Example – if a coin is flipped 100 times and comes up heads 50 times, the probability of coming up heads is 50 out of 100, or 5 out of 10

3. Product Rule – calculate the overall frequency of occurrence of in a population
   a) Example – the OJ Simpson case: Blood factors from a crime scene that match OJ’s blood (Bertino, 2009)

<table>
<thead>
<tr>
<th>Blood Factors</th>
<th>Frequency in Population (%)</th>
<th>Decimal of the Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>26%</td>
<td>.26</td>
</tr>
<tr>
<td>EsD</td>
<td>85%</td>
<td>.85</td>
</tr>
<tr>
<td>PGM 2+2-</td>
<td>2%</td>
<td>.02</td>
</tr>
</tbody>
</table>

b) Product Rule – 26 x .85 x .02 = .0044 or 0.44%, or less than 1 out of 200 people would be expected to have this combination of blood factors

B. Types of Evidence in Court

1. Direct Evidence – evidence that establishes a fact
   a) Eyewitness testimony or victim’s testimony
   b) Confessions
   c) Physical evidence found on a person
   d) Audio or visual recording of the act or crime

2. Indirect Evidence
   a) Circumstantial evidence
      (1) Requires that a judge and/or jury make inferences about what transpired at the scene of a crime
      (2) Not definitive proof
      (3) Physical evidence is nearly always circumstantial, so evidence analyzed forensically is mostly circumstantial evidence
b) Inference example – fingerprints or hairs found at the scene are consistent with that of a perpetrator; jurors may infer that the print or hair belongs to the defendant after this evidence is presented, linking the defendant to the scene.

3. Comparison between the Influence of Direct and Indirect Evidence
   a) Circumstantial evidence is more objective, while direct evidence is subjective.
   b) In general, direct evidence is not considered to be as reliable as circumstantial evidence.
      (1) Eyewitnesses can be deficient when identifying perpetrators or remembering certain events.
      (2) Flawed questioning techniques can lead to erroneous testimony and confessions.
      (3) The age of the eyewitness and the passing of time since the event can also lead to faulty testimony.
   c) Court research comparing the impact of the type of evidence differs in its results.
      (1) Some research says direct (eyewitness) evidence has a stronger impact on the jury.
      (2) At other times, physical evidence was considered more valid by jurors.
      (3) Some studies suggest that having both types of evidence is no more compelling than having strong evidence of only one type.
   d) The forensic scientist should
      (1) Always be aware of the persuasive nature of eyewitness testimony.
      (2) In no way allow that to interfere with the scientific method when
      (3) Analyze physical evidence.
      (4) Develop a hypothesis when investigating a crime.
   e) The direct evidence of a police officer’s testimony (concerning the source of evidence, documentation, and chain of custody) corroborates and strengthens the probative value of physical evidence.

C. Categories of Physical Evidence
   1. Individual Evidence – evidence that can be linked to a unique, specific source with a very high degree of probability
      a) Examples
         (1) Matching ridge characteristics of fingerprints.
         (2) Matching striations of two different bullets from the same gun.
         (3) The irregular edges of a broken object (paper, glass, etc.) that fit together like a jigsaw puzzle (this type of evidence is not found very often).
   2. Class Evidence – evidence that can only be associated with a group and never a single source
      a) The way to increase the probative value of class evidence is to find as many different types of class evidence as possible to
link the suspect to the crime

D. Evidence Admissibility In a Court of Law – not only will the court compare the Bill of Rights to how evidence was collected, but there are court precedents that determine the admissibility of scientific results and how those results are explained in court

1. *Frye v. United States*, 1923 – The Frye Standard: the questioned scientific procedure or principles must be “generally accepted” by a majority of the scientific community

   a) Verdict replaced the Frye Standard
   b) Areas of inquiry by the judge acting as the gatekeeper
      1. Can the scientific technique or theory be tested?
      2. Has the technique or theory been subjected to peer review?
      3. What is the technique’s potential rate of error?
      4. Are there standards to control the technique’s operation, and are these maintained?
      5. Has the technique or theory attracted widespread acceptance within scientific community?

   a) Expert Testimony – hearsay from a witness is normally not allowed in court, except in the case of an expert witness
   b) Expert Witness – a witness “qualified as an expert by knowledge, skill, experience, training, or education” (Deslich, 2006) may offer expert testimony on a scientific matter if
      1. The testimony is based upon sufficient facts
      2. The testimony is the product of reliable principles and methods
      3. The witness has applied the principles and methods reliably to the facts of the case

E. Court Significance of Procedures in Evidence Collection and Analysis – every step of the process for collecting, handling, analyzing, transporting, and storing evidence is scrutinized in a court of law. So there are guidelines that must be followed for forensic evidence and its results to be admissible in court

1. A systemic search for all evidence must be conducted
2. All evidence must be collected, including large items and trace evidence that must be vacuumed
3. Comparison-type evidence should be collected when possible
   a) Reference Samples – should be collected for comparison
      1. Examples
         a) The removal of a paint chip from a suspect’s vehicle to compare to the paint from the scene of a hit-and-run incident
         b) Hair and blood-stained evidence from a crime scene should be accompanied by whole blood and hair samples from the victim, all possible suspects, all family members (and pets), and crime scene investigators
(c) These reference samples are then available for comparison, elimination, and matching to those unknown specimens collected at the crime scene.

b) Substrate Controls – materials collected close to areas where evidence was found to ensure that the surface close to the evidence does not react or interfere with laboratory testing measures and show a different result than the actual evidence collected.

4. Proper packaging and separation of evidence is crucial
   a) Cross-contamination (or contact) with other persons or evidence is to be avoided at all cost
   b) Proper tools for collection and storage should always be used (envelopes, vials, bags, etc.)
   c) Always follow strict packaging guidelines for all evidence, and never package any two pieces of evidence together
   d) Decontamination of personnel between crime scenes is important

5. Chain of Custody – the witnessed, written record of all individuals who had the evidence in their possession from the crime scene to the courtroom; and when, where, and for what purpose this transfer of evidence occurred
   a) The item of evidence itself should be identified; the location, time, and person collecting should also be recorded
   b) The evidence container should also be marked for identification, showing the collector’s initials, the location of evidence, and the date it was received by the collector
   c) If the evidence is turned over to another individual for any reason (care or delivery), this transfer must be recorded in the notes and/or forms
   d) Any samples of the evidence taken for testing or any changes in the evidence should be documented immediately
   e) Every individual who possesses the evidence must maintain a written record of its acquisition/disposition and may be called to testify in court; this includes individuals from the collection, to delivery, to the laboratory analysis, and then into the courtroom with the prosecuting attorney
   f) To avoid confusion, the number of individuals involved in the chain of custody, should be kept to a minimum
   g) The chain of custody record is often kept as a form on the container or envelope of the evidence
   h) Failure to substantiate the evidence’s chain of custody may lead to serious questions regarding the authenticity and integrity of the evidence

Activities
1. Evidence Activity. Show students the Evidence: Individual or Class Discussion Activity computer-based presentation. The questions in the presentation may be used to guide a class discussion or as a quiz. Use the Evidence: Individual or Class Discussion Activity Key and/or the
Discussion Rubric for assessment.

2. **O.J. Simpson Case Problems with Evidence.** Have students analyze what went wrong during the O.J. Case. Use the O.J. Simpson: An Example of Problems with Evidence handout for the activity and the O.J. Simpson: An Example of Problems with Evidence Key for assessment. The Discussion Rubric and the Debate Rubric may also be used.

3. **Smash & Grab Activity.** Do an Internet search for a video using the following: Surveillance Video Of Smash-And-Grab Robbery In LA. *(Notes: there are three parts on this video; only use the first one. Do not give students any idea of what they are about to watch and do not emphasize the need to remember details.)* Have all of the students watch the first part of the video (approximately 30 seconds) and then distribute the Smash and Grab Questions handout to the students. Have the students complete as many of the questions as they can. It will probably be necessary to watch the first part of the video one or two more times before the students can answer all of the questions. Remind the students that in actual law enforcement situations there is no replay of the event. After the students complete the questions, have them reflect on the emotions they felt during the observation of the event and the questioning period. Ask them to explore how these emotions might interfere with the recall of the actual facts of the event, for both the authentic questioning process in police headquarters and also the courtroom. Use the Smash and Grab Questions Key as a resource for the activity. Use the Individual Work Rubric and/or the Writing Rubric for assessment.

4. **Legal Systems Crossword Puzzle.** Have students complete the Legal Systems Crossword Puzzle. Use the Legal Systems Crossword Puzzle Key for assessment.

**Assessments**
Legal Systems Exam and Key
Evidence: Individual or Class Discussion Activity Key
O.J. Simpson: An Example of Problems with Evidence Key
Legal Systems Crossword Puzzle Key
Smash and Grab Questions Key
Admission Into Evidence Court Cases Research Key
Debate Rubric
Discussion Rubric
Individual Work Rubric
Research Rubric
Writing Rubric

**Materials**
Legal Systems computer-based presentation
Evidence: Individual or Class Discussion Activity computer-based presentation
O.J. Simpson: An Example of Problems with Evidence Handout and Key
Legal Systems Crossword Puzzle and Key
Smash and Grab Questions Handout and Key
Admission Into Evidence Court Cases Research Handout and Key
Computers with Internet access

Resources
[http://www.crimemuseum.org/oj_acquittal_trial_suit](http://www.crimemuseum.org/oj_acquittal_trial_suit)
Do an Internet search for a video using the following: Surveillance Video of Smash-and-Grab Robbery in LA.

Accommodations for Learning Differences
For reinforcement, students will look up all key vocabulary terms in their book or on the Internet and draw pictures of the key terms vocabulary. Use the Individual Work Rubric for assessment.

For enrichment, students will investigate five landmark court cases which have improved the admissibility of scientific evidence in court. Students will complete the Admission Into Evidence Court Cases Research Handout. Use the Admission Into Evidence Court Cases Research Key and the Research Rubric for assessment.

State Education Standards
Texas Essential Knowledge and Skills for Career and Technical Education §130.295. Forensic Science (One Credit).

(4) The student explores the history, legal responsibilities, and career options for forensic science. The student is expected to:
(A) distinguish between forensic science and criminalistics in law, public safety, corrections, and security;
(B) identify roles, functions, and responsibilities of forensic science professionals;
(C) summarize the ethical standards required of a forensic science professional;
(5) The student recognizes the procedures of evidence collection while maintaining the integrity of a crime scene. The student is expected to:
(D) apply knowledge of the elements of criminal law that guide search and seizure of persons, property, and evidence;
(G) outline the chain of custody procedure for evidence discovered in a crime scene;

College and Career Readiness Standards
Cross-disciplinary Standards
II. Foundational Skills
C. Research across the curriculum
   1. Understand which topics or questions are to be investigated.
   2. Explore a research topic.
   5. Synthesize and organize information effectively.
Legal Systems Exam

1) _____ What type of evidence puts most innocent people in jail?
   a) Direct Evidence
   b) Class Evidence
   c) Indirect Evidence
   d) None of the above

2) _____ Implies a fact without necessarily proving it
   a) Direct Evidence
   b) Individual Evidence
   c) Indirect Evidence
   d) None of the above

3) _____ Testimonial Evidence is not reliable if
   a) The witness is middle aged
   b) A short amount of time has passed
   c) The witness has already identified another suspect
   d) None of the above

4) _____ Evidence that is linked to a unique source
   a) Individual Evidence
   b) Direct Evidence
   c) Class Evidence
   d) Indirect Evidence

5) _____ The relevance and ability of evidence to prove a crime (in a court of law) is its
   a) Promising Value
   b) Probative Value
   c) Valid Evidence
   d) All of the above

6) _____ Based on suggestion, rather than personal knowledge or observation
   a) Control Sample
   b) Probative Value
   c) Circumstantial Evidence
   d) None of the above
7) _____ Indirect and Individual Evidence  
   a) DNA from blood at a crime scene  
   b) Tobacco in the pocket of a minor  
   c) Eyewitness testimony  
   d) White cotton T-shirt fibers at a crime scene  
   e) Highest probative value  

8) _____ Direct and Class Evidence  

9) _____ Direct Evidence only  

10) _____ Direct and Individual Evidence  

11) _____ Indirect and Class  

12) _____ The owner of a house agrees to let his home be searched for a specific gun, but nothing is found. Two months later, police search his home without a warrant and find the gun. The gun cannot be admitted because it was an illegal search.  
   a) True  
   b) False  

13) _____ An officer knocks on the door to question a suspect, then the officer races upstairs to stop the destruction of drug evidence because he hears the toilet flushing. This drug evidence can be admitted in court, even without a warrant.  
   a) True  
   b) False  

14) _____ What type of control is collected from an area close to where evidence is to ensure that any reaction comes from the evidence, but not the surface the evidence was on?  
   a) Substrate Control  
   b) Reference Control  
   c) Extra Sample Control  
   d) Paraphernalia Control  

15) _____ In which court decision was it realized there needed to be a standard for admitting scientific evidence?  
   a) Frye Standard  
   b) Daughbert Ruling  
   c) Federal Rule Number 702  
   d) None of the above  

16) _____ Where is it found legally that the only type of witness that can give opinions is an expert witness?  
   a) Frye Standard  
   b) Daughbert Ruling  
   c) Federal Rule Number 702  
   d) All of the above
17) _____ What court case helped set a federal rule of evidence, that all scientific procedures presented in court must be peer-reviewed and the rate of error discussed?
   a) Frye Standard  
   b) Daughbert Ruling  
   c) Federal Rule Number 702  
   d) All of the above

18) _____ In most of the courtroom research, eyewitness testimony has just as much or more influence over a jury when compared to forensic physical evidence.
   a) True  
   b) False

19) _____ A murder suspect is found innocent of killing his wife. Two years later, police officers find her DNA from blood in the trunk of his car. The prosecution can proceed with a new case.
   a) True  
   b) False

20) _____ Walking up the sidewalk to a business in question, a detective finds marked money from a recent bank robbery. This evidence is admissible in court.
   a) True  
   b) False

21) _____ An officer is arresting someone and finds an illegal drug in his pocket. This evidence cannot be used in court because the officer did not have a warrant.
   a) True  
   b) False

22) _____ A type of sample that is collected from a suspect to be compared to evidence from the crime scene
   a) Substrate control  
   b) Reference control  
   c) Paraphernalia control  
   d) None of the above

23) _____ A crime scene investigator packages and records all data for an evidence sample and then gives the sample to the delivery person. The delivery person takes the sample directly to the evidence room where the officer there records his own information. What protocol has been broken?
   a) Chain of Custody  
   b) Cross Contamination  
   c) Control Issues  
   d) Separation Contamination
24) _____ The forensic problem that occurs if two bloody items are packaged together
   a) Chain of Custody
   b) Cross Contamination
   c) Control Issues
   d) Separation Contamination

25) _____ The jury is very confused on the testing of some DNA evidence. The prosecution could blame this on the direct evidence presented by the expert witness.
   a) True
   b) False

26) _____ To calculate the chances of an event, you multiply the frequencies the event occurs in a population.
   a) True
   b) False

27) _____ Any important eyewitness is allowed to repeat in court what someone else told him.
   a) True
   b) False

28) _____ When a forensic scientist analyzes evidence from any case, the case is very likely to be tried in court.
   a) True
   b) False

29) _____ General acceptance of science
   a) Fourth Amendment

30) _____ What is the rate of error?
   a) Fifth Amendment

31) _____ Allows witnesses in court
   a) Sixth Amendment

32) _____ Protects against illegal search and seizure
   a) Frye Standard
   b) Daughbert Ruling

33) _____ Prevents double jeopardy

. 
Legal Systems Exam Key

1) C
2) C
3) C
4) A
5) B
6) C
7) A
8) B
9) C
10) E
11) D
12) B
13) A
14) A
15) A
16) C
17) B
18) A
19) B
20) A
21) B
22) B
23) A
24) B
25) A
26) A
27) B
28) B
29) D
30) E
31) C
32) A
33) B
Evidence: Individual or Class Discussion Activity Key

Note: This assessment correlates to the Evidence: Individual or Class Discussion Activity computer-based presentation.

1. To individualize evidence, the pieces of the item must match like a jigsaw puzzle. If the pieces of T-shirt fit exactly to the torn shirt, then this is individualized evidence. However, pieces of T-shirt might be stretched and very ragged, so it would be hard to put the pieces back together again (then it would be considered class evidence). Fiber analysis would show a match of fiber type and/or dye, which is more class evidence.

2. Very small glass fragments would not fit together well, some fragments would probably not be found at all. This would make it more difficult to put the pieces together and match to the rest of the bottle; so this is class evidence. Glass analysis in the laboratory would show the glass pieces and bottle as being made of the same material, but again this is class evidence, not individual.

3. Since this torn piece of paper could probably be fit to the original sheet of paper, the paper/note would be considered individual evidence.

4. The handwriting could only be matched enough to be circumstantial (class) evidence, even with handwriting analysis comparing the handwriting to that of the suspect. This would also be true of any ink chemical analysis. Fingerprints, if they can be lifted off the paper, would be considered individual evidence because they can be uniquely matched to an individual.

5. The torn aluminum from the soda can top probably matched the torn aluminum tab (like jigsaw pieces), and that is considered individual evidence. Matching only the metal type, brand, etc. would be considered class evidence.

6. Torn matches are probably considered class evidence. Cardboard does not normally tear in such a way that the pieces can be matched. Laboratory examination may show similarities in the cardboard and match chemicals, but this would also be considered class evidence.

7. If a forensic scientist test fired the gun and compared the striations on the fired bullet to the striations on the murder scene bullets, with a positive match, then this would be considered individual evidence.

8. A match between the brand and chemical makeup of the duct tape samples from the crime scene and the garage would only be considered class evidence. Once again, only if the torn edges fit together would this be considered individual evidence.

9. Just two different sections of the newspaper are not enough of a match to be individual evidence. The two sections could have come from many different newspapers out of the thousands sold each day.

10. The gloves cannot be individualized to the box, because there is no unique match. There could only be a match with the composition and construction of the glove and the box of the suspect’s gloves. This would be class evidence.
O.J. Simpson: An Example of Problems with Evidence

Use the following websites to analyze the forensics mistakes during the trial of O.J. Simpson. Please list and discuss all of the problems in this case (in and out of the courtroom). Focus on the errors that were the legal responsibilities of crime scene investigators/detectives.

http://www.crimemuseum.org/oj_acquittal_trial_suit

http://www.law.umkc.edu/faculty/projects/ftrials/Simpson/simpson.htm

http://www.law.umkc.edu/faculty/projects/ftrials/Simpson/Bodziak.html

http://www.law.umkc.edu/faculty/projects/ftrials/Simpson/leetest.html

http://phobos.ramapo.edu/~jweiss/laws131/unit3/simpson.htm

http://www.pbs.org/wgbh/pages/frontline/oj/themes/prosecution.html
O.J. Simpson: An Example of Problems with Evidence Key

Here are some of the legal errors that students will find in this case:

Two important portions from the OJ Simpson case were large, careless, legal violations: One involved a Bill of Rights amendment, and several were involved in chain of custody.

4th Amendment: Protection from Illegal Search and Seizure
- Detective Mark Fuhrman jumped the wall to OJ’s house the night of the murders. He did not have a warrant when he found a bloody, right-hand glove, blood drops around several cars, and a blood trail from the OJ’s vehicle to the front door. He said he was concerned something had happened to OJ (who was not a suspect at the time), and then that the evidence was in plain view.
- The defense tried to rule this evidence inadmissible, but Judge Ito ruled the evidence as admissible.
- Although Judge Ito gave an angry indictment against the way the search warrant was filed by Detective Phil Vannatter, after the evidence had been found, he called it “negligent and reckless.”

Chain of Custody
- The amount of blood drawn from OJ Simpson was not documented. This blood was carried around for several hours before it was entered into the chain of custody (from detective to forensic scientist). So the person drawing the blood could only guess he had drawn around 8cc’s and then only 6cc’s could be accounted for by the LAPD when it was finally entered into custody. So what happened to the vial blood during that time, what it was used for, and why there was some missing was always in question
- There was also a fingerprint on a gate that was initially recorded, but not entered into the chain of custody. This initial fingerprint later disappeared and was never used as evidence
- Some of the blood collected was found weeks after the fact, and not seen in initial photos of the scene or entered right away into chain of custody

Other Crime Scene Errors
- Cross-Contamination
  - Nicole’s socks, found at OJ’s house, were together, not separated. And the blood on the sock was not noted until 3 weeks later (transfer of evidence)
  - Goldman’s cap and shirt, with both hair and fiber evidence, were packaged together when found at the crime scene (transfer of evidence)
  - A technician collected blood from OJ and then proceeded to analyze blood evidence from the crime scene wearing the same gloves (cross-contamination of blood)
  - Nicole’s body was covered by a blanket sometime after it was found (transfer of evidence/cross-contamination)
- Collecting /Packaging Evidence Errors
  - A junior detective was unsupervised while collecting blood evidence, and was taped dropping bloody swabs and wiping tweezers with dirty hands (transfer of evidence)
  - Some blood evidence from the crime scene was collected with wet swabs, put in plastic bags before drying, and then stored in a hot truck (degradation of blood and DNA)
– There were up to 18 officers at the scene at a time, with many bloody footprints belonging to law enforcement (confusion of evidence)
– Nicole and Ron Goldman’s bodies were not collected until 10 hours after they were found (many evidence errors here)

**General Ethical Errors**

- Mark Fuhrman’s possible comments that were racially prejudiced called his character into question, and caused damage to the prosecution’s case since he was one of the lead detectives
- Mark Fuhrman perjured himself on the stand and then took the 5th Amendment when asked if he had falsified police reports or planted evidence in the Simpson case

Several of the expert witnesses were unable to communicate the complicated, new knowledge and techniques. There was a lack of understanding among many involved, including the jurors, regarding many aspects of forensic science in general and specifically how DNA evidence works.
Smash and Grab Questions

1. What was the date?

2. What police force is investigating this crime?

3. What sounds do you hear?

4. What time do you see on the clock in the video?

5. What noise may have been a signal to the thieves?

6. Where was the “Open” sign hanging?

7. What did the first robber have in his hand? And what was it his duty to perform in the crime?

8. What was the duty of the second thief? And what tool did he use?

9. How and when did you first see the store clerk?

10. What large item did the third man leave behind that could be used as evidence? What color was it?

11. What items were sitting on the counter before the robbery occurred?

12. Describe what all three thieves were wearing.

13. What was each thief wearing on his or her head and face?

14. What color and type of vehicle was the getaway vehicle?

15. What was the clerk holding in his hand the entire time?

16. Were there any pedestrian eyewitnesses and what did they look like?
Smash and Grab Questions Key

1. June 22, 2011
2. LAPD
3. Street sounds, smashing of glass, yelling, car honking, etc
4. 12:55
5. Car honking
6. On the wall behind the thieves
7. Mace can; he was supposed to subdue the clerk behind the counter.
8. Smash the glass counter; a hammer
9. You could see the reflection of the clerk in the mirrors hanging on the wall before the robbery occurred.
10. He left a large blue bag that was supposed to be for the stolen jewelry.
11. An adding machine and notepad
12. Thief One: Wearing a red shirt with a grey sweatshirt pulled halfway down over the shirt, wearing a cap, wearing baggy striped shorts with underwear showing, and high top athletic shoes
   Thief Two: Wearing a red hoodie, khaki pants, and dark colored athletic shoes
   Thief Three: Wearing dark pants and a red hoodie
13. Thief One: A cap with a “C” on it and a red/dark bandana around his face
   Thief Two: Only a hood up on a sweatshirt. Nothing was covering his face
   Thief Three: A hood up over his head and also a dark colored bandana over his face
14. It was a white, mid-sized sedan
15. Some sort of an aerosol can
16. Smaller, white/Hispanic male with dark hair, wearing a light T-shirt and jeans
Legal Systems Crossword Puzzle

ACROSS
3  Scientific evidence is admissible in court if the procedure has meet the "general acceptance" test
4  Evidence which proves something in a court of law
5  Type of evidence presented by an eyewitness
7  Physical evidence that suggest, rather than an observation
10 Branch of forensics that analyzes any physical evidence
12 All forensic professionals should conduct themselves this way
16 Branch of forensics that uses teeth to identify remains
17 When a lay person gives their opinion or what others may have said, in court (generally not accepted)
18 Branch of forensics that looks for poisons in the body
19 Physical evidence that does not prove a fact by itself
20 Type of sample that is collected to ensure testing validity

DOWN
1  Type of sample that is collected from a known source to see if it matches the questioned sample
2  Type of jury that decides if there is enough evidence to take the case to court
3  Amendment that guards against illegal searches
4  Mathematical description of occurrence of evidence
6  Evidence that can be related to a group of items with shared characteristics
7  A written record of all people who have had possession of an item of evidence
8  Evidence that can be related to a single source
9  Amendment that protects an individual from being tried for the same crime twice
11  A witness, who is a specialist, who may present his opinion in a court of law
13 Evidence will be admitted in court if estimates of error rates are given, the scientific method is used, and peer review has been done on the technique used
14 Branch of forensics that investigates guns and tool marks
15 Required most of the time before a search can be conducted

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<table>
<thead>
<tr>
<th>Across</th>
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<tbody>
<tr>
<td>3. Frye</td>
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<td>4. Probative</td>
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<td>5. Direct</td>
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<td>7. Circumstantial</td>
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<td>10. Criminalistics</td>
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<td>12. Ethical</td>
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<td>16. Odontology</td>
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<td>17. Hearsay</td>
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<td>18. Toxicology</td>
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<td>19. Indirect</td>
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<td>20. Substrate</td>
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<table>
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<th>Down</th>
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<tbody>
<tr>
<td>1. Reference</td>
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<td>2. Grand</td>
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<td>3. Fourth</td>
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<td>4. Probability</td>
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<td>6. Class</td>
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<td>7. Chainofcustody</td>
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<td>8. Individual</td>
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<td>9. Fifth</td>
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<td>11. Expert</td>
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<td>13. Daubert</td>
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<td>14. Ballistics</td>
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<td>15. Warrant</td>
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Admission into Evidence Court Cases Research

1. What is the main difference between the rulings of Frye v. United States and Daubert v. Merrell Dow Pharmaceuticals?

2. After the ruling of Daubert v. Merrell Dow Pharmaceuticals, judges had to view the evidence at pretrial hearings to determine if the evidence could be admitted as reliable evidence. List the five Daubert factors that judges need to consider in order to admit the evidence.

3. If handwriting evidence was not yet considered to be scientific evidence at the time of United States v. Starzecpyzel, how was it admissible as reliable evidence?

4. How did the ruling in Kumho Tire v. Carmichael affect how expert witness testimony would be accepted?

5. In United States v. Prime, the court viewed handwriting analysis testimony differently from how it was viewed back in 1993. What are some of the reasons that the court now considered handwriting analysis as better able to meet the Dauber factors? What had changed?
## Important Court Cases in Acceptance of Evidence

<table>
<thead>
<tr>
<th>Case</th>
<th>Date</th>
<th>Case Number</th>
<th>Summary of Case and Decision</th>
<th>Notes on Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Frye v. United States</em></td>
<td>1993</td>
<td>509 US 579, 113 S.Ct 2786. 125 L. Ed. 2d 469</td>
<td>Created “gate-keeping” role for judges. Expert Witnesses meant hearsay was allowed in court of law.</td>
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<tr>
<td></td>
<td>1995</td>
<td>880F. Supp.1027 (S.D.N.Y. 1995)</td>
<td>Determined handwriting analysis did not meet Daubert factors, but it found handwriting analysis to be considered as technical and admissible.</td>
<td>Did not meet Daubert because:</td>
</tr>
</tbody>
</table>
Admission into Evidence Court Cases Research Key

1. Frye stated that all evidence must be generally accepted as reliable in the relevant scientific community. Daubert stated that the rigid requirement of Frye had been superseded by Rule 701 of the Federal Rules of Evidence. Judges could now determine at pretrial if evidence met the Daubert factors. Judges became the gate keepers; they could either allow or disallow the evidence at pretrial.

2. The Daubert factors are
   a. Whether the theory or testimony could be or has been tested.
   b. Whether the theory or technique has been subjected to peer review and publication.
   c. Is there a known or potential error rate?
   d. The existence and maintenance of standards controlling the technique’s operation.
   e. “General acceptance” can still have a bearing on the inquiry.

3. In this case, handwriting evidence did not meet the Daubert factors, but the case found handwriting analysis to be considered technical and admissible. The case did not meet the Daubert standards because handwriting analysis had not been subject as yet to rigorous testing, the error rate was not known, and published article reports differed from those in scientific journals.

4. This case expanded Daubert to all types of expert witness testimony and not just scientific expert testimony.

5. a. The court believes that today there is more “general acceptance” of handwriting analysis based upon its use by Scotland Yard, the Secret Service, the FBI, and the CIA.
   b. Fifteen universities now offer courses in forensics that include handwriting analysis.
## Important Court Cases in Acceptance of Evidence

<table>
<thead>
<tr>
<th>Case</th>
<th>Date</th>
<th>Case Number</th>
<th>Summary of Case and Decision</th>
<th>Notes on Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frye v. United States</td>
<td>1923</td>
<td>App. D.C. 1923</td>
<td>Expert opinion based on scientific techniques was admissible if the technique was “generally accepted” as reliable in the relevant scientific community.</td>
<td>“General Acceptance Test” Established the general acceptance standard for allowing the use of expert testimony.</td>
</tr>
<tr>
<td>Daubert v. Merrell Dow Pharmaceuticals</td>
<td>1993</td>
<td>509 US 579, 113 S.Ct 2786. 125 L. Ed. 2d 469</td>
<td>Rigid requirement of Frye had been superseded by Rule 701 of the Federal Rules of Evidence allowing judge to determine if evidence could be allowed in court.</td>
<td>Created “gatekeeping” role for judges. Expert Witnesses meant hearsay was allowed in court of law.</td>
</tr>
<tr>
<td>United States v. Starzecpyzel</td>
<td>1995</td>
<td>880 F. Supp.1027 (S.D.N.Y. 1995)</td>
<td>Determined handwriting analysis did not meet Daubert factors, but it found handwriting analysis to be considered as technical and admissible.</td>
<td>Did not meet Daubert because:</td>
</tr>
<tr>
<td>Kumho Tire v. Carmichael</td>
<td>1999</td>
<td>526 U.S. 137, 119 S.Ct. 1167, 143 L. Ed. 2d 238 (1999)</td>
<td>Expanded Daubert to include all expert testimony.</td>
<td>Expanded Daubert to include all types of expert witness testimony and not just scientific expert testimony.</td>
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</table>
# Debate Rubric

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<tr>
<td><strong>Information</strong></td>
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<tr>
<td>Clear, accurate and thorough</td>
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<td>Facts, statistics and/or examples used to support major points.</td>
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<tr>
<td><strong>Communication</strong></td>
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<tr>
<td>Respectful body language</td>
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<td>Respectful responses</td>
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<td>Focused/On-topic</td>
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<tr>
<td>Sarcasm avoided</td>
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<td><strong>Participation</strong></td>
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<td>Full participation</td>
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<td>Attentive listening</td>
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<td><strong>Total Points (32 pts.)</strong></td>
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Comments:
## Discussion Rubric

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<tr>
<td>Participates in group discussion</td>
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<td>Encourages others to join the conversation</td>
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<td>Keeps the discussion progressing to achieve goals</td>
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<td>Shares thoughts actively while offering helpful recommendations to others</td>
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<td>Gives credit to others for their ideas</td>
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<td>Respects the opinions of others</td>
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<td>Involves others by asking questions or requesting input</td>
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<tr>
<td>Expresses thoughts and ideas clearly and effectively</td>
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**Total Points (32 pts.)**

Comments:
### Individual Work Rubric

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<tbody>
<tr>
<td><strong>Follows directions</strong></td>
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<td>Student completed the work as directed,</td>
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<td>following the directions given, in order</td>
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<td>and to the level of quality indicated</td>
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<td><strong>Time management</strong></td>
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<td>Student used time wisely and remained</td>
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<td>on task 100% of the time</td>
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<td><strong>Organization</strong></td>
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<td>Student kept notes and materials in a</td>
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<tr>
<td>neat, legible, and organized manner.</td>
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<td>Information was readily retrieved</td>
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<td><strong>Evidence of learning</strong></td>
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<tr>
<td>Student documented information in his or</td>
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<td>her own words and can accurately answer</td>
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<td>questions related to the information</td>
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<td>retrieved</td>
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<td>**Research/Gathering information (if</td>
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<td>relevant)**</td>
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<td>Student used a variety of methods and</td>
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<td>sources to gather information. Student</td>
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<td>took notes while gathering information</td>
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**Total Points (20 pts.)**

Comments:
## Research Rubric

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<tr>
<td><strong>Question/goal</strong></td>
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<tr>
<td>Student identified and communicated a question</td>
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<td>or goal of the research</td>
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<tr>
<td><strong>Research/Gathering information (if relevant)</strong></td>
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<tr>
<td>Student used a variety of methods and sources</td>
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<td>to gather information. Student took notes while</td>
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<td>gathering information</td>
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<tr>
<td><strong>Conclusion/Summary</strong></td>
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<tr>
<td>Student drew insightful conclusions and</td>
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<tr>
<td>observations from the information gathered.</td>
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<tr>
<td>Information is organized in a logical manner</td>
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<tr>
<td><strong>Communication</strong></td>
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<tr>
<td>Student communicated the information gathered</td>
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<tr>
<td>and summary or conclusions persuasively.</td>
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<td>Student demonstrated skill in the use of media</td>
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<td>used to communicate the results of research</td>
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<tr>
<td><strong>Reflection</strong></td>
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<tr>
<td>Student reflected on the importance of the</td>
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<td>research and its potential application</td>
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**Total Points (20 pts.)**

Comments:
**Writing Rubric**

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<tbody>
<tr>
<td>The writing has all required parts from introduction to conclusion in smooth transition.</td>
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<td>The writing is interesting, supportive, and complete.</td>
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<td>The writing demonstrates that the writer comprehends the writing process.</td>
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<td>Accurate spelling, grammar, and punctuation</td>
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<td>The content of paragraphs emphasizes appropriate points.</td>
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<tr>
<td>The writer shows an understanding of sentence structure, paragraphing, and punctuation.</td>
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<td>All sources and references are clearly and accurately documented.</td>
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</table>

**Total Points (28 pts.)**

Comments: