



## **Case Study** *DNA Forensic Services*

# **The Friday/Monday Case**

*“Additional context and information provided during a trial can change the interpretation of forensic evidence. This can present a new avenue for the defence, or it can ensure that a fair understanding of the science can lead to the fair course of justice.”*

The Friday/Monday case demonstrates how defence-side forensic reviews can lead to justifiable challenges to DNA evidence and the conclusions gained from them by the prosecution. Alexander Bennett Solicitors intended to challenge the initial DNA findings and conclusions. Forensic Access was tasked with a review of the forensic findings and conclusions of the prosecution in light of new information provided by the defendant to the defence. Often the initial forensic findings can be limited to the knowledge of events at the point of prosecution. ‘Evidence’ is often context dependent and re-examination by a multidisciplinary forensics team can lead to ways of challenging initial conclusions of events; ensuring that justice isn’t perverted by invalid conclusions due to faulty interpretations.

The conclusions outlined by Forensic Access provided the necessary argument for the defence to question the initial forensic findings and assumptions. This ensured the evaluation of the results was put to the jury in a fair and balanced manner; casting doubt on the initial findings.



*A thought-provoking case, one which required a comprehensive review of the results based on the version of events provided. To do this, appropriate scientific research was required to give scope for a fair and balanced evaluation of the findings.*

*Forensic Scientist, Forensic Access*





## Problem

The defendant was charged with murder occurring between the hours of 4pm and 11pm on Monday 22nd April 2019. The prosecution claimed that the defendant had visited the victim at his residence, and an altercation resulted in homicide. DNA of the defendant was found under the victim's fingernails, forensics concluded that the defendant had visited the victim on Monday which lead to murder. This DNA evidence appeared a solid confirmation of the prosecution's case.

The defendant claimed that he had visited the victim on the Friday prior (19th April) resulting in an altercation. The defence wished to review the findings of the prosecution in light of this new information and context. Could DNA remain under fingernails for the three-day period claimed? Was the contact between the defendant and the victim on Monday or the Friday before?



## Solution

As with most cases we handle, this case had a tight deadline. Our team was tasked with:

- Review of all case details including the original incident reports
- Examination of the DNA findings obtained
- Produce an independent report of findings
- Evaluate the science associated with DNA persistence including a scientific review
- Explain possible factors and variables which would impact persistence of DNA
- Comment to whether the findings were a likely representation of the defendant's claims
- Comparison of the conclusion reached by the Crown

Our scientist spoke with the solicitor to confirm versions of the events stated by the defendant, looking for any additional context which may be important in the interpretation of the findings.



## Result

Our team of experts are often presented with cases that represent evidence, the associated science and evaluations as clear-cut. Often by the time the case has reached the defence team more information has been presented that wasn't available during the original prosecution examination; in this case the defendant's Friday visit to the victim.

Forensic Access was able to correctly identify the difficulty in evaluating the meaning of the initial evidence. In some cases even when our predominant opinion may agree with the initial findings, the additional context can change our interpretation. The report provided a different scientific weighting to the probability of the evidence. In other words, Forensic Access provided an alternative view on how probable the findings of the prosecution were and raised the possibility that an alternative interpretation of events could be reached by the same evidence. The DNA persisting from an altercation between the victim and defendant from the Friday, three days before the death of the victim, could not be discounted.

The review by Forensic Access allowed the defence to assert a difference in opinion from the Prosecution. The judge agreed with the defence's caution around the initial forensic conclusions of the prosecution, and the fair evaluation was put to the jury in a balanced manner.

## DNA Forensic Services Key Learnings

- The specific details of a case can strongly impact the interpretation of the DNA evidence.
- Whilst parts of DNA interpretation are fact based, much is subjective and opinions may differ between experts
- It is not possible to age DNA, so the presence of DNA cannot be linked to a specific time.
- The absence of DNA does not mean a lack of contact: it is possible to touch a surface and not leave sufficient DNA to be detected.
- Some, often referenced, DNA persistence studies use older techniques of DNA profiling. Modern DNA-17 methods are much improved and are sensitive to smaller amounts of DNA.

**To learn more about this case, or to discuss any ongoing casework, contact us now on:**

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