


**DNA LABS INTERNATIONAL**  
ISO/IEC 17025:2017 and FBI QAS DNA Laboratory

## All Eyes on Me: Facing the Courtroom Under the Zoom Lens

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&  
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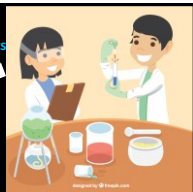
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### Prior to 2020

Happy scientists

- Average testimony challenges:
  - Difficult opposing experts
  - Lengthy testimony
  - Travel to and from court
  - Juggling court with day-to-day requirements at the laboratory
  - Explaining difficult concepts or multiple types of statistical analysis



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### Onset of the Pandemic

- Loss of loved ones
- Supply shortages
- Laboratories closing
- Shift work
- Court closures



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### Mid-2021 Going in to 2022

- Courts are beginning to reopen... slowly
- Many court dates cancelled due to outbreaks
- New restrictions in court
  - Clear masks?
  - Enhanced security screening
    - Interview Questions
    - Temperature Checks
    - Social Distancing



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### What About Virtual Testimony?

- Prior to COVID-19 virtual testimony wasn't that unheard of
- International courts
- Telephonic Depositions
- Travel restrictions due to other reasons
  - Maternity/Paternity Leave
  - Distance
  - Cost Savings



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### Challenges of Virtual Testimony

- Confrontation Clause
- Lack of 'connecting with the jury'
- Limitations of technology
  - Mobile camera?
  - Wi-fi connectivity
  - Ability to hear objections
  - Unable to see all parties in the court room



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## Advantages of Virtual Testimony

- No travel!
- Demonstrative Aids
- Safety & Health
- Cost Savings for all parties
- Easier to schedule multiple trials/hearings in one week



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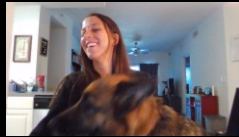
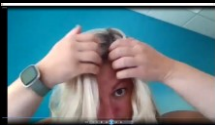
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## Challenges of Virtual Court During Covid

Don't forget you're on camera!



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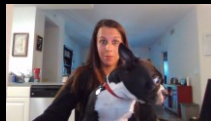
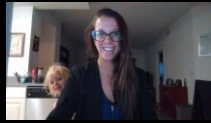
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## Challenges of Virtual Court During Covid

What is that noise??

- Children
- Dogs/cats
- Construction
- Family members
- Neighbors



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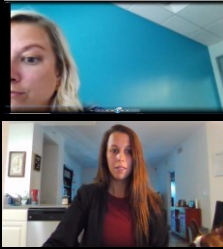
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### Challenges of Virtual Court During Covid

Where am I looking?  
Camera 1? Camera 2?



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### Challenges of Virtual Court During Covid

Hand Gestures?



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### Challenges of Virtual Court During Covid

- There are no stupid questions... are you sure?
- Watch your facial reactions
- Everything is magnified when zoomed in on your face on a TV



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### Challenges of Virtual Court During Covid

- What are you wearing?
- Assume you will need to stand up, in other words... wear pants!
- Camera angles – is your top appropriate
- Distracting jewelry
- Visible Tattoos

My coworkers and me ready for another day of Zoom meetings



13

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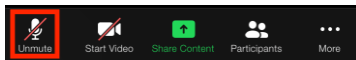
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### Challenges of Virtual Court During Covid

- Is this thing live?
- You're on mute! (quote of 2020)
- Make sure you are muted when you should be and unmute when needed



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### Confirmation Clause Challenges

- **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 defence."*
- Numerous cases on this matter: *Bullcoming v New Mexico, Hamilton v State of Texas, Larkin v Yates (CA), Pendegrass State of Indiana, Melendez-Diaz v State of Massachusetts, Crawford v State of Washington*
- Ultimately it is the courts decision; however, in effort to get matters before the court more and more both parties seem to be allowing virtual testimony



15

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### Conveying Your Findings Over Zoom

- Enunciate and slow down
- Attempt to 'connect' as best as you can through the lens in effort to avoid sleepy jurors
- Make sure you have been understood – it is okay to ask questions
- Follow normal court procedures – this is not a free for all
  - Stand when instructed
  - Remain quiet until it's your turn
  - Be polite to all parties




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16

### Conveying Your Findings Over Zoom

- Keep a bible on hand if needed
- Do you need a notary?
- Ensure your area is free of pets/children/loved ones
- Make sure you understand the questions asked of you
- Just like in-person court, it's okay to clarify previous statements
- Make sure you are dismissed before disconnecting




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17

### Courtroom Testimony in 2020 & Beyond

- Virtual testimony isn't going anywhere
- The future looks to be a blend of virtual and in-person testimony
- Practice makes perfect – consider virtual and in person mock courts
- Consider setting up an area that is comfortable and appropriate for virtual testimony – at home and in office
  - Monitor lifts
  - Headphones with mic




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### Above All...

- You are not a cat
- You are a real person



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### Questions?



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**ISHI**  
INTERNATIONAL SYMPOSIUM  
 ON HUMAN IDENTIFICATION  
 STARTING SEPTEMBER 13, 2021

*Thank You,  
 Promega and  
 DNA Labs  
 International!*

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21

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