

## BOOK REVIEW

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### Review of: *Forensic Evidence: Science and the Criminal Law*\*

**REFERENCE:** Kiely TF. Forensic evidence: science and the criminal law. CRC Press LLC, Boca Raton, Florida, 2000, 353 pp.

Professor Kiely, who established the Center for Law and Science at DePaul University, presents the reader with a review of the uses of forensic science in criminal cases. The book is not intended as an instructional guide on the forensic sciences, but rather as a compendium of illustrations highlighting the investigative uses of forensic science and the judicial responses to its use as evidence.

Chapter One, designed as a prelude, examines the context, both historical and modern, in which the reliability and validity of the scientific method is contested in the courts. In part, this first chapter discusses the admissibility of forensic science under the legal standards established in *Frye* and *Daubert*. Professor Kiely's discussion here, however, begins with an embarrassing gaffe by placing the *Frye* case under the prominent heading of "Supreme Court Cases" and referring to it as "a short and citation-free 1923 U.S. Supreme Court decision." Although the *Frye* test clearly dominated the legal arena for 70 years, it is equally clear that the case itself never made it past the Court of Appeals for the District of Columbia.

The second chapter, "Science and the Criminal Law," is an overview of the interaction between the forensic sciences and the criminal justice system, followed by nine chapters sketching the legal landscape of specific forensic science disciplines. These latter chapters are devoted to the most frequently encountered forensic science disciplines, and include "Hair Analysis," "Fiber Analysis," "Ballistics and Tool Marks," and "Fingerprints," as well as "Soil," "Glass and Paint," "Blood Spatter Analysis," "DNA Analysis," and "Forensic Anthropology and Entomology." The "Footprints and Tire Impressions" chapter includes a list of cases involving bite marks.

Professor Kiely's legal discussion in these nine chapters primarily recites the facts and holdings of numerous cases utilizing forensic science, although in most instances he does not provide his own analysis of the ruling or of the expert testimony. The reader is often left simply with factual synopses of unremarkable cases. Nevertheless, the cases present the reader with an overview of the wide range of factual scenarios in which forensic science has been applied. As a primer on the uses of forensic science in criminal cases, the book is a good place to start for the student or the novice forensic scientist or attorney.

It is not just the cases that give the reader an introduction to forensic science and the criminal law; the book also contains relevant citations to sources and useful research tools. Prominent among the references is the *Journal of Forensic Sciences*, with its index accessible through the American Academy of Forensic Sciences' Web site. The author also frequently relies on the *Proceedings of the 12th INTERPOL Forensic Science Symposium*, a compilation of reports by member laboratories on advances in forensic science, poster presentations, panel discussions and theme papers presented at INTERPOL's 1998 triennial symposium. Readers looking for a copy of the *Proceedings* will want to know that it is published by The Forensic Sciences Foundation Press and may be obtained through the American Academy of Forensic Sciences.

Throughout the chapters and the appendix, Web sites for forensic science information on the Internet are provided to the reader. Professor Kiely also makes suggestions on search engines for the Internet and for relevant databases in automated legal research programs. This source information allows the reader to expand his or her research far beyond the horizons of the overview given in this book.

In addition to using the book as a springboard for more comprehensive research, the case synopses give factual and legal scenarios which may now or in the future coincide with the reader's own scientific or evidentiary issues. Despite some shortcomings, *Forensic Evidence: Science and the Criminal Law* is a reference book worth consulting by persons interested in the uses of forensic science in criminal cases.

\* The reviewer is a federal prosecutor in Alexandria, Virginia. The opinions contained in this review are those of the reviewer and may or may not coincide with those of the U.S. Department of Justice.

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