

Expert Witnesses

Getting your own, Crossing the State's
(not as scary as you think)

Types of Experts

- Toxicologist
- Forensic Psychologists
- Chief Medical Examiner's Office
- Crash and Crime Scene Reconstruction
- Medical Doctors
- DRE?
- Mitigation?
- Self-Defense?
- Cognitive Bias and Reasonable Doubt?
- Use your imagination (MCILS will approve!)

Legal Standards for Expert Witnesses

- Maine Rules of Evidence 701 through 706 (*Read Them*)
- Trial Judge is the “gatekeeper”
- To be admissible, expert testimony must: (1) meet a threshold of (scientific) reliability; (2) be relevant, and. (3) assist the trier of fact in understanding the evidence or determining a fact in issue
- Proponent of the Expert testimony has the burden to prove the above
- Reliability often rests on whether the science of the expert is preferring is “generally accepted.”
- File Motion’s for Expert Reports under 16(d)(4)
- Challenge the State’s Experts!!

Motion for Expert Reports 16(d)(4)

STATE OF MAINE
ANDROSCOGGIN, SS.

UNIFORM CRIMINAL COURT
LOCATION: Lewiston
DOCKET NO. CR-23-_____

STATE OF MAINE)
)
V.)
)
DEFENDANT,)
)
Defendant)

DEFENDANT'S MOTION FOR
EXPERT REPORT 16(d)(4)

NOW COMES the Defendant, through undersigned attorney, and hereby moves this
Honorable Court for the entry of an order concerning discovery, and states in support as
follows:

1. The Defendant has been charged with_____.
2. Me.R.Crim.P. 16(d)(4) provides that:

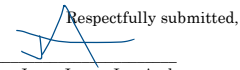
If an expert witness whom the state intends to call in any proceeding has not prepared a report of examination or tests, the court, upon motion, may order that the expert prepare and the attorney for the state serve a report stating the subject matter on which the expert is expected to testify, the substance of the facts to which the expert is expected to testify and a summary of the expert's opinions and the grounds for each opinion.

3. In the case before the Court, should the State call any expert witness at any proceedings, the Defendant requests such a report.

WHEREFORE, for the foregoing reasons, the Defendant respectfully requests that this
Court grant this motion.

Dated: October 25, 2023

Jesse James Ian Archer, Esquire
P.O. Box 681
Lewiston, ME 04243
Tel. (207) 669-5900

Respectfully submitted,


Jesse James Ian Archer
Attorney for the Defendant
Maine Bar Number 5713

Using Defense Experts

- Always have a theory of the case (TOC) before even thinking of using an Expert offensively—remember, you do not have the burden to prove anything
- Can get expert involved just to help with your own cross examination (*plowing with the government's horse*)
- Prep your expert with your TOC. ALL pertinent discovery. Sit down and discuss TOC with your expert. Mock cross your expert.
- Scholarly articles that help your argument? (but be careful-subject to cross examination)

MCILS Standards on getting an Expert

H. *Expert Assistance* – Defense counsel should secure the assistance of experts where it is necessary in order to:

- (1) prepare a defense;
- (2) understand the prosecution's case;
- (3) rebut the prosecution's case;
- (4) investigate the client's competence to proceed, mental state at the time of the offense, and/or capacity to make a knowing and intelligent waiver of constitutional rights.

MCILS Standards Cont.

5. Relations with Expert Witnesses.

Defense counsel who engages an expert for an opinion should respect the independence of the expert and should not seek to dictate the formation of the expert's opinion on the subject. To the extent necessary, defense counsel should explain to the expert his or her role in the trial as an impartial witness called to aid the fact finders and the manner in which the examination of witnesses is conducted.

How to get an Expert

- By Motion/Request to MCILS:

STATE OF MAINE
LINCOLN, SS.

UNIFIED CRIMINAL COURT
DOCKET NO. CR-

STATE OF MAINE

V.

DEFENDANT,

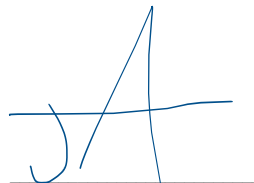
Defendant

)
)
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REQUEST FOR FUNDS -Polygraph

Defendant is indigent and undersigned has been appointed to represent him in this Murder case. Defendant denies having anything to do with the murder he is charged with. The defense would like to have a polygraph conducted in this case. The defense foresees using polygraph expert Jack Consigli for this purpose. \$2,000 for this service is requested.

Dated: October 23, 2023



Jesse James Ian Archer
Attorney for the Defendant
Maine Bar Number 5713

94-649 MAINE COMMISSION ON INDIGENT LEGAL SERVICES

Chapter 302: PROCEDURES REGARDING FUNDS FOR EXPERTS AND INVESTIGATORS

- **Summary:** This Chapter establishes the procedures for attorneys and pro se parties to request funds for experts and investigators from the Commission and provides that the Executive Director shall make the determination to grant or deny the request. It also establishes the procedures for payment of expert and investigator services authorized in this Chapter.

302 Cont.

- **SECTION 2. APPLICATION FOR FUNDS FOR EXPERT AND INVESTIGATIVE ASSISTANCE**
- **1. Who May Apply.** Any person who is entitled to representation at state expense under the United States Constitution or the Constitution or laws of Maine and who has been found indigent by a state court or who claims to be without sufficient funds to employ necessary expert or investigative assistance may file, on his or her own or through his or her attorney, applications to MCILS for funds to obtain expert or investigative assistance or both.

302 Cont.

- **SECTION 2. APPLICATION FOR FUNDS FOR EXPERT AND INVESTIGATIVE ASSISTANCE**
- **2. Application Directed to the Executive Director.** An application for funds to obtain necessary expert or investigative assistance or both shall be directed to the Executive Director
 - **MCILS@Maine.Gov**

302 Cont.

- **3. Form and Contents of Application. The application shall:**
 - A. Be in writing and include a case caption setting forth the court in which the case is pending, the docket number, and the parties;
 - B. Set forth the date on which the applicant was found indigent or, if the applicant has not been found indigent, set forth the basis on which the applicant claims to be without sufficient funds. For persons not found indigent by a court, the application shall be supported by an affidavit demonstrating financial need;
 - C. Describe the nature of the proceeding for which assistance is sought, and in proceedings with respect to adult or juvenile crimes, specifically identify each pending charge and class of each pending charge;
 - D. Set forth a clear and concise statement of the reasons why the assistance is necessary for adequate presentation of the applicant's claim or defense; and
 - E. Set forth a clear and concise statement as to the work that will be done by the expert and/or investigator.

Payment for Experts

- **SECTION 4. PAYMENT FOR EXPERT OR INVESTIGATIVE ASSISTANCE**
- Upon receipt of an invoice for services for which the expenditure of funds has previously been authorized, the applicant or the applicant's attorney shall forward the invoice to MCILS for processing and payment, together with the relevant authorization. Attorneys shall comply with any procedures established by the Executive Director. The applicant or the applicant's attorney must state that the services were satisfactory and that all applicable reports and other information have been received. The applicant or the applicant's attorney should review the invoice to verify that it conforms to MCILS requirements and that the appropriate rates for services and mileage were billed. The applicant or the applicant's attorney is not required by the Commission to advance funds to investigators or other service providers, subject to any professional conduct requirements. The applicant should make every effort to ensure that the service providers include a State of Maine Vendor Code number on each invoice

Questions on getting an Expert involved?

Crossing the State's Experts

1. Investigate the Expert

- CV/Resume—Insist on getting these. What is in it? What courses have they taken? Can you get ahold of the materials? Can you use them in your favor?
- What articles have they written?
- Have they testified previously? If so, get the transcripts (beg, borrow and steal these from past attorneys (**Our bar MUST get better at this**)).
- Get creative

SERIES PREMIERE

THE
GENETIC
DETECTIVE

TUESDAY MAY 26 10|9c

GENETIC MATCH 01

GRANDPARENT

GREAT GRANDPARENT

2. Know Your Theory of your Case (TOC)

- Does this State expert even hurt your case? For example, in murder case, alleged victim is already dead—do you want to wax poetic in front of a jury about just HOW dead the guy is? (you don't).
- Do not draft a single cross question before knowing what your TOC is
- *How* does the Expert hurt your TOC?
- *Plowing with the Government's Horse vs. Offering your own expert.*
 - State does not know you are working with expert
 - Jury thinks you are smart AF
 - Attorney presents more conversational than expert
 - Jurors distrust experts, think they are mercenaries
 - *But* does take *careful research and cross examination* of said expert

3. Only ask Questions that help your TOC

- Do not attack State's expert unless the attack helps your TOC. Winning on a point that does not help your TOC or illustrate reasonable doubts is a waste of time, and the Judge and jury hate that
- Only ask questions you know the answer to
- Remember, experts are just that—EXPERTS—science is universal and they cannot disagree with some principles no matter how bad they want to aid the State. Which relates to the next rule:

4. Use control mechanisms to aid your TOC

- Experts base their reports and opinions in accepted science—this means there are principles they cannot disagree with. For example:

Toxicologists and half-lives

- All drugs have a half life
- Toxicologists often only capturing snapshots of half life
- Defendant could have taken that bar of Xanax the night before
- Preliminary vs. confirmatory tests (often at issue in Drug Court)
- Psychoactive elements not present throughout entire half life
- No Toxicologist can disagree with this

Toxicologist Cross (Manslaughter MTS Hearing)

218

1 CROSS-EXAMINATION

2 BY MR. ARCHER:

3 Q. Hello.

4 A. Hello.

5 Q. You are a board certified forensic toxicologist,
6 correct?

7 A. Yes.

8 Q. And you have created about a three page
9 toxicology report regarding this case, correct?

10 A. That's correct.

11 THE COURT: If we could just not go over
12 the same ground that would help.

13 MR. ARCHER: Yeah, I am getting somewhere
14 pretty quickly here.

15 THE COURT: Thank you.

16 Q. And you are testifying about Alprazolam and
17 methadone, correct?

18 A. Correct.

19 Q. As a board certified forensic toxicologist who
20 is testifying in Court here it is fair to say
21 you have a working knowledge of the
22 pharmacokinetics of those two medicines or
23 substances?

24 A. That's correct.

18 **Q.** No. Okay. I am going to -- If it is all right
19 with you I am going to ask you a few questions
20 about your three page toxicology report that you
21 spoke with the District Attorney about.

22 **A.** Okay.

23 **Q.** Okay. Now, I am look being at the very first
24 page and it's got positive findings Alprazolam
25 5.2 plus or minus one?

24 Q. Now, Alprazolam, like all drugs, have a half
25 life, correct?

225

1 A. That's correct.

2 Q. And Alprazolam is about eleven hours?

3 A. **It has a relatively long half life, it can stay**
4 **in the body for hours, to days, from a single**
5 **use, that's correct.**

6 Q. So it is about -- about eleven hours is the half
7 life?

8 A. **That's correct.**

9 Q. And can you explain what a half life is?

10 A. **A half life is the amount of time it takes for**
11 **approximately half of the drug to be eliminated**
12 **from your system and it takes approximately five**
13 **half lives for a single use to be completely**
14 **eliminated.**

15 Q. Okay. So, taking one of your steady state
16 dosages -- steady state levels, 100 nanograms
17 per milliliter, it would take at least several
18 days for that to be entirely eliminated?

19 A. **Yes, it would take several days for a 100**
20 **nanograms per milliliter to be eliminated, yes,**
21 **of Alprazolam.**

22 Q. So Alprazolam, like all drugs, also has a
23 duration of action or duration of effect,
24 correct?

25 A. **Yes, that's correct.**

- 9 Q. Okay. And for Alprazolam the duration of action
10 or effect is about six hours, correct?
- 11 A. **That sounds correct.**
- 12 Q. So on -- when you are on the fifth half life of
13 the 100 nanograms per milliliter steady state,
14 there is no more duration of action, correct?
- 15 A. **Well, it depends on if this is from a single use
16 and you are just at the end of it.**
- 17 Q. Correct. Assuming -- sorry, go ahead, sorry, I
18 interrupted you.
- 19 A. **So it is going to depend on how the patient took
20 the medication and exactly when the patient took
21 the medication because I can't determine that
22 from a single toxicology result.**
- 23 Q. Right.
- 24 A. **I mean all I can say is that there was
25 approximately five nanograms per milliliter
1 circulating in the blood at the time this blood
2 was collected.**

3 Q. So you have no idea whether the duration of
4 effect was long ago not in action?

5 A. That's correct. **I can't tell you based on this**
6 **particular number when or how the patient took**
7 **the medication.**

4. Use control mechanisms to aid your TOC cont...

- A control device is a fact or circumstance that enables the lawyer to have a reasonable expectation that the witness can be required to give desired testimony in response to suitable controlling questions. – *“Basic Trial Advocacy,”* Peter Murray.
- Did they cite peer reviewed articles? Use them!
- Is their opinion a “blind” one, or did the prosecution spoon feed them the answer they want. Example:

State v. Gage Dalphonse

- Paralysis from gunshot even though spine is fully intact
- First doctor said **nothing** of this. State gets second doctor from Vermont (beware of this replacement expert phenomenon)
- Expert used peer reviewed studies and provided them to us (big mistake):

State v Gage Dalphonse Expert Cross

- “Generally, extrapolating level of function from histologic appearance is not reliable enough for the legal arena.”
- “The particular implication of high velocity injuries is that they can cause paralysis without grossly obvious damage to the cord. This is probably an example of the effect of shock waves and may also be related to the large temporary cavity that accompanies the high-velocity missile.” (*this was a low velocity missile*)
- “The cause of this phenomenon is poorly understood and is discussed in chapter 6. The problem is significant for the forensic pathologist if the patient has died during the acute period before stabilization of the permanent injury level.” (*patient died before stabilization here*)
- “paraplegia following gunshot injury without direct injury to the cord is extremely rare.”
- “Few cases have been presented with gunshot wound (GSW) as a cause of a central cord syndrome, and none, to our knowledge, has been presented without any evidence of central canal bullet/bone fragments.” (*no fragments here*)

Alaska vs. Steven Harris Downs

- How long does sperm survive in vagina?
- State says not long, which suggests our guy was at rape/killing scene
- Our theory=consensual sex two nights prior to rape/killing
- State Expert cites medical treatise (*actually he didn't. But I kindly asked for his resources—then he provided—do this!!*)
- Medical treatise lists multiple known cases of vagina surviving in vagina for days, and even *weeks*

October 26, 2023

Control Mech. Cont.

Maine Criminal Justice Academy
15 Oak Grove Road
Vassalboro, Maine 04989

Re: Lewiston Police Department Andrew James; Tim Blais; Eugene Kavanagh; Richard Cressy; Tyler Michaud

Dear Reader:

• FOAA MCJA for Cop's Edu Transcripts:

Pursuant to Maine's Freedom of Information Act, 1 M.R.S.A § 401 *et seq*, please kindly provide me with the name of each school/training that the above named officer(s) attended for each of the following subject areas:

- General OUI enforcement/impaired driving
- Standardized Field Sobriety Testing
- Intoxilyzer 5000 and/or Intoxilyzer 8000
- Blood alcohol testing
- ARIDE
- Drug identification
- Drug Recognition Expert
 - With a complete copy of any and all DRE "rolling logs" for each DRE

Please provide the dates during which the officer(s) attended each of these schools/trainings; the location where each school/training occurred; and the name of the sponsoring organization(s).


Please indicate whether the officer(s) are currently certified in each of the above-listed subject areas, and, if not currently certified, the date upon which the officers were last certified in each area. Please also indicate whether these officers are a current certified instructor in any of the above-listed subject areas.

I will pay any charge set forth in 1 M.R.S.A. § 408(3) for retrieving, compiling, and copying the requested documents.

Thank you for your prompt attention to this matter. As you know, 1 M.R.S.A. § 409(1) requires a response within 5 working days of the request.

Please do not hesitate to contact me at 207-669-5900 if there are any questions.

Sincerely,



Jesse James Ian Archer

Control Mech. Cont.

- Google Scholar:

The screenshot shows a Google Scholar search for 'CeCe Moore'. The search results are filtered to 'Articles' and show approximately 3,600 results. The left sidebar contains filters for time (Any time, Since 2023, Since 2022, Since 2019, Custom range...), sorting (Sort by relevance, Sort by date), type (Any type, Review articles), and checkboxes for 'include patents', 'include citations', and 'Create alert'. The main results list includes:

- Genetic genealogy for cold case and active investigations**
EM Greytak, CC Moore, SL Armentrout - Forensic science international, 2019 - Elsevier
Investigative genetic genealogy has rapidly emerged as a highly effective tool for using DNA to determine the identity of unknown individuals (unidentified remains or perpetrators), ...
☆ Save 📄 Cite Cited by 130 Related articles All 6 versions
- Privacy and genetic genealogy data**
EM Greytak, DH Kaye, B Budowle, CC Moore... - Science, 2018 - science.org
Protecting the ecological health of rivers relies on maintaining intact flows from source areas to downstream navigable waters (1). Yet the US Environmental Protection Agency (EPA) ...
☆ Save 📄 Cite Cited by 28 Related articles All 9 versions
- The need for standards and certification for investigative genetic genealogy, and a notice of action**
D Gurney, M Press, CC Moore, CI Rolnick... - Forensic Science ..., 2022 - Elsevier
As investigative genetic genealogy (IGG) becomes a more common tool for investigating agencies to resolve cold cases and provide names to unidentified human remains, there is an ...
☆ Save 📄 Cite Cited by 5 Related articles All 4 versions
- Investigative genetic genealogy for unidentified human remains cases in Oregon**
EM Greytak, J Cady, N Vance, CC Moore... - Forensic Science ..., 2022 - Elsevier
In 2018, the Oregon State Medical Examiner's Office (OSME) received a grant from the Bureau of Justice Assistance to use investigative genetic genealogy (IGG) with Parabon ...
☆ Save 📄 Cite Cited by 1 Related articles All 2 versions
- [PDF] Guidelines for genetic ancestry inference created through roundtable discussions**
JK Wagner, JH Yu, D Fullwiley, CC Moore... - Human Genetics and ..., 2023 - cell.com
The use of genetic and genomic technology to infer ancestry is commonplace in a variety of contexts, particularly in biomedical research and for direct-to-consumer genetic testing. In ...
☆ Save 📄 Cite Cited by 1 Related articles All 8 versions
- [PDF] Closing cases with a single SNP array: Integrated genetic genealogy, DNA phenotyping, and kinship analyses**
E Greytak, CC Moore - International Symposium on Human ..., 2018 - pub.parabon.com
Much has been written about the impact of genetic genealogy on genetic privacy, but a few critical points temper many of these concerns1:• Private databases run by direct-to-consumer ...
☆ Save 📄 Cite Cited by 4 Related articles All 3 versions

Google Scholar (Toxicologist)

Google Scholar

Articles About 22 results (0.06 sec)

Any time
Since 2023
Since 2022
Since 2019
Custom range...

Sort by relevance
Sort by date

Any type
Review articles

include patents

11-year study of fentanyl in driving under the influence of drugs casework
A Chan-Hosokawa, JJ Bierly - *Journal of Analytical Toxicology*, 2022 - academic.oup.com
Prior to 2017, heroin and other prescription opioids were the most prevalent opioids implicated in driving under the influence of drugs (DUID) investigation cases, and fentanyl was ...
☆ Save Cite Cited by 7 Related articles All 6 versions

The utility of bile in postmortem forensic toxicology
J Bierly, LM Labay - *Academic Forensic Pathology*, 2018 - journals.sagepub.com
Bile is one matrix type that may be collected at autopsy and submitted to the toxicology laboratory for analysis. Because it is an excretion product of the liver, it can be used for screening ...
☆ Save Cite Cited by 5 Related articles All 5 versions

When Naloxone is Too Little Too Late by the Numbers

Google Scholar (Chief Med. Examiner)

Google Scholar

Articles About 1,400 results (0.06 sec)

Any time
Since 2023
Since 2022
Since 2019
Custom range...

Sort by relevance
Sort by date

Any type
Review articles

include patents
 include citations

Create alert

Fatalities associated with fentanyl and co-administered cocaine or opiates
..., M Juhascik, F Mazur, MA Flomenbaum... - Journal of forensic ..., 2007 - Wiley Online Library
Fatalities associated with fentanyl hydrochloride are increasingly seen in Massachusetts. Between September 2005 and November 2006, 5009 medicolegal investigations associated ...
☆ Save 📄 Cite Cited by 71 Related articles All 7 versions

The effects of acutely increased ventricular cavity pressure on intrinsic myocardial connective tissue
SM Factor, M Flomenbaum, MJ Zhao, C Eng... - Journal of the American ..., 1988 - Elsevier
Studies of normal hearts have revealed a variety of intrinsic connective tissue structures that surround and interconnect myocytes and ventricular mural layers. Among these structures, ...
☆ Save 📄 Cite Cited by 102 Related articles All 7 versions

Effects of fixation back pressure and antiminerallization treatment on the morphology of porcine aortic bioprosthetic valves
MA Flomenbaum, FJ Schoen - The Journal of thoracic and cardiovascular ..., 1993 - Elsevier
Calcification frequently causes failure of porcine aortic valve bioprostheses; changes in collagen configuration induced by high-back-pressure fixation have deleterious effects on ...
☆ Save 📄 Cite Cited by 59 Related articles All 8 versions

Suicides in the Young People of Geneva, Switzerland, From 1993 to 2002*
..., M Perret-Catipovic, M Flomenbaum... - Journal of forensic ..., 2006 - Wiley Online Library
Suicides in Geneva in those less than 25 years old, from 1993 to 2002, were reviewed. Scenes investigations, autopsy findings, toxicology results, and psychiatric history (when ...
☆ Save 📄 Cite Cited by 25 Related articles All 8 versions

Proliferative membranopathy and human immunodeficiency virus in AIDS hearts
M Flomenbaum, R Soeiro, SA Udem... - JAIDS Journal of ..., 1989 - journals.lww.com
In order to determine if cardiac tissue from AIDS patients or patients with seropositivity to HIV-1 might be infected by HIV-1, portions of myocardium obtained postmortem were evaluated ...
☆ Save 📄 Cite Cited by 42 Related articles All 3 versions

Morphologic markers of acute and chronic stress in child abuse

Defense Bar Listservs

- MACDL
- NCDD (National College for DUI Defense—Articles galore)
- NACDL
- National Forensic College

FOAA SOPs, Google Standards

- CAC Interview in child-sex case?

What happens
at CACs

CACs help
kids &
families

Find my
local CAC

Contact
the Network

mecasa
MAINE COALITION AGAINST
SEXUAL ASSAULT

The Network is a program of
the Maine Coalition Against
Sexual Assault.



NATIONAL
CHILDREN'S
ALLIANCE®

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CHAPTER

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National Children's Alliance



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Maine Network of Children's Advocacy Centers

If you or someone you know has been sexually assaulted or abused, you can get help by calling the free, private 24-hour statewide sexual assault helpline at 1-800-871-7741. For more information, [click here](#).

For information on how to report child abuse [click here](#) or call 1-800-452-1999 or Maine Relay (711) for Deaf or Hard of Hearing.

In accordance with federal regulations, the Maine Network of Children's Advocacy Centers does not discriminate in the access to or provision of its services.

[Click here for our website Privacy Policy.](#)

National Childrens Alliance



National Children's Alliance

<https://www.nationalchildrensalliance.org>

Homepage - National Children's Alliance

Web National Children's Alliance is a nonprofit organization that advocates for children's rights and justice. Learn about their role, services, signs, podcasts, and how to join their ...

Our Standards

NCA members may also access or download the 2017 Standa...

Our Story

National Children's Alliance (NCA) is a professional members...

What Accreditation Means

Our 10 National Standards for Accreditation help CACs improv...

NCA Learning

National Children's Alliance. 516 C Street NE Washington, DC ...

Funding for CACS

NCA grant funds enable CACs, MDTs and Chapters to expand ...

Our People

Michelle Miller, Ph.D., LCSW. Director of NCA Institute for Bett...

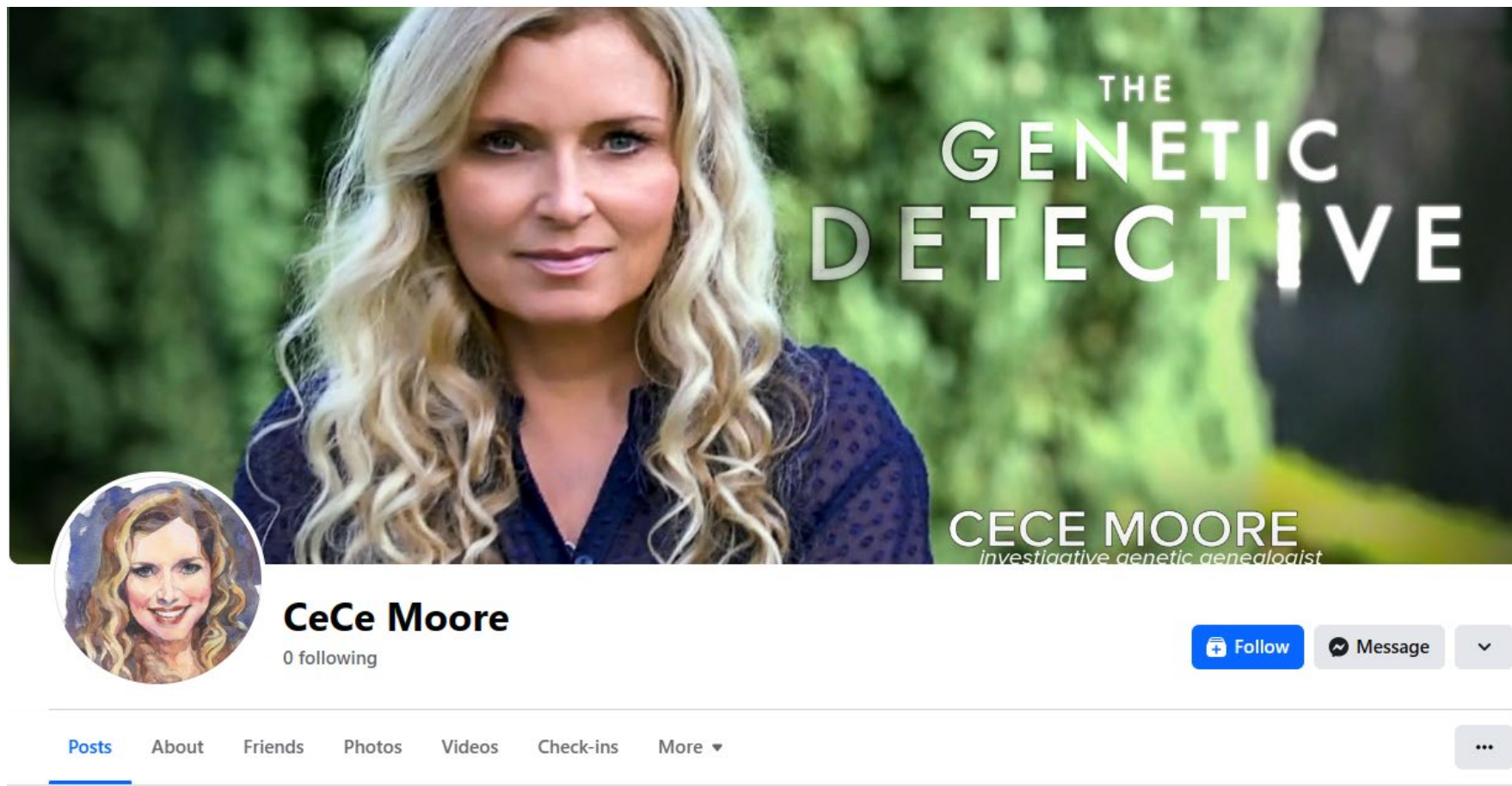
National Childrens Alliance standards

05. Medical Evaluation

Rationale

All children who are suspected victims of child sexual abuse are entitled to a medical evaluation by a health care provider with specialized training and expertise. The collection and documentation of forensic findings are vital. However, the referral of children for medical examinations should NOT be limited to those where forensically significant findings are anticipated. Medical evaluations should be prioritized as emergent, urgent, and non-urgent based on specific screening criteria. Said criteria must be developed by specially trained and skilled medical providers, who may be those serving on local multidisciplinary teams. Additional considerations include the ability to conduct follow-up examinations to reassess findings and conduct further testing where deemed necessary.


Facebook/Social Media



The image shows a Facebook profile page for CeCe Moore. The cover photo features a woman with long, wavy blonde hair, wearing a dark blue patterned top, against a background of green foliage. Overlaid on the right side of the cover photo is the text "THE GENETIC DETECTIVE" in large, white, sans-serif capital letters. Below this, the name "CECE MOORE" is written in a smaller, white, sans-serif font, with the subtitle "investigative genetic genealogist" in a smaller, italicized font underneath. To the left of the cover photo is a circular profile picture of the same woman, smiling. Below the profile picture, the name "CeCe Moore" is displayed in bold black text, followed by "0 following". To the right of the name are three buttons: a blue "Follow" button with a plus icon, a grey "Message" button with a speech bubble icon, and a grey dropdown menu icon. Below these buttons is a horizontal navigation bar with the following options: "Posts" (underlined in blue), "About", "Friends", "Photos", "Videos", "Check-ins", and "More" (with a downward arrow). A grey three-dot menu icon is located to the right of the "More" option.

THE GENETIC DETECTIVE

CECE MOORE
investigative genetic genealogist

 **CeCe Moore**
0 following

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[Posts](#) [About](#) [Friends](#) [Photos](#) [Videos](#) [Check-ins](#) [More](#) ⌵

State Reconstruction/Finger Prints/Etc.

Curriculum Vitae

12/9/19

Scott A. Bryant

**Evidence Response Team Commander
IAI Certified Senior Crime Scene Analyst**

Maine State Police Crime Lab

26 Hospital Street

Augusta, ME 04333

Work Phone: 207-624-7100

E-Mail: Scott.A.Bryant@Maine.Gov

PROFESSIONAL AFFILIATIONS:

- International Association for Identification
- New England Division of IAI member 2008,2009,2010, 2011,2012,2013,2014,2015,2016
- 2010 4th Vice President New England Division of International Association for Identification
- 2011 3rd Vice President New England Division of International Association for Identification

International Association for Identification Standards

FORENSIC CERTIFICATION MANAGEMENT BOARD
INTERNATIONAL ASSOCIATION FOR IDENTIFICATION

Certification Program Operations Manual



BYLAWS, POLICIES AND PROCEDURES
FCMB-01-2020-C14
Originated 2017

Certified Crime Scene Analyst (CCSA)

Applications submitted prior to 10/1/2023:

- *Crime Scene Photography, 3rd Edition*, by Edward Robinson, 2016, Academic Press-Elsevier, Inc. (All Chapters EXCEPT 1, Subchapters 9.4, 9.6 and 9.7, and Chapters 10 thru 12).
- *Techniques of Crime Scene Investigation, 8th edition* by Fisher, Barry and Fisher, David, 2012, CRC Press

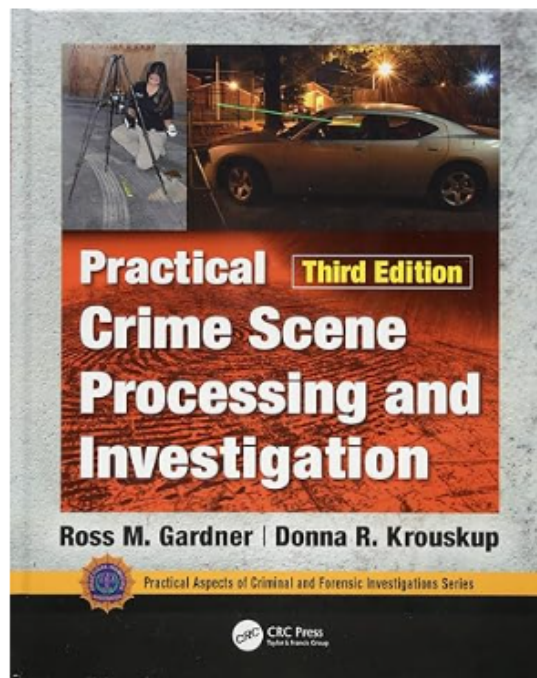
Applications submitted as of 10/1/2023:

- *Practical Crime Scene Processing and Investigation, 3rd edition*, Ross M. Gardner, 2019, CRC Press.
- *Crime Scene Photography, 3rd Edition*, by Edward Robinson, 2016, Academic Press Elsevier, Inc. (EXCEPT Chapter 8, Chapter 10, and subchapters 9.4 and 9.7. All other chapters, subchapters, and the glossary are required reading.)
- *Practical Analysis and Reconstruction of Shooting Incidents, Second Edition*, Edward E. Hueske, 2021, CRC Press (All Chapters and Glossary EXCEPT 2, 14, 18, and 20).

Certified Senior Crime Scene Analyst (CSCSA)

- *Crime Scene Photography, 3rd Edition*, by Edward Robinson, 2016, Academic Press-Elsevier, Inc. (All Chapters EXCEPT 1, Subchapters 9.4, 9.6 and 9.7, and Pages 712-735)
- *Effective Expert Witnessing: Practices for the 21st Century, 5th ed.* By Matson, Jack V., 2013, CRC Press (All chapters EXCEPT 8 and 9)
- *Forensic Science: An Introduction to Scientific and Investigative Techniques, 4th edition* by James, Stuart H., Nordby, Jon J., and Bell, Suzanne, 2013, CRC Press

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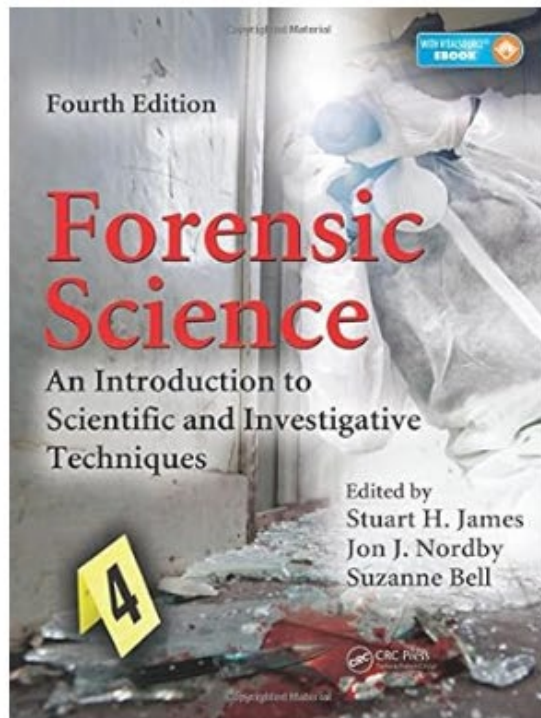
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Using Treatises and articles in Cross

Rule 803. Exceptions to the Rule Against Hearsay--Regardless of Whether the Declarant is Available as a Witness

→ **(18) Statements in learned treatises, periodicals, or pamphlets.** A statement contained in a **treatise**, periodical, or pamphlet if:

(A) The statement is called to the attention of an expert witness on cross-examination; and

(B) The publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.

If admitted, the statement may be read into evidence but not received as an exhibit.

Subdivision (18) changes Maine law by making learned **treatises** called to an expert's attention on cross-examination and established as authoritative admissible as substantive evidence. Hitherto admission of a learned **treatise** over objection has been forbidden except to impeach an expert witness who relies upon such authority for the opinion he has expressed. [Goldthwaite v. Sheraton Restaurant, 154 Me. 214, 145 A.2d 362 \(1958\)](#). This subdivision, as in the case of other rules, implicitly accepts the proposition that jurors are unlikely to understand and follow limitations on the purpose for which evidence is admitted, such as the difference between use for impeachment and as substantive evidence. It is to be noted that the expert himself need not even recognize the **treatise** as authoritative so long as its authoritativeness is somehow established, such as by testimony of another expert or, conceivably, by judicial notice. Thus the possibility is avoided that the expert may block cross-examination by denying either reliance or authoritativeness.

There is nothing in this subdivision to prevent the use for impeachment of any writing, authoritative or not, as can be done at present.

Foundation on Cross

- Detective Bryant, you are familiar with the treatise *“Practical Crime Scene Processing and Investigation”* by Ross M. Gardner?
- That treatise was required reading for your certification through *International Association for Identification* which you listed in your CV/Resume?
- IAI views that treatise as a reliable authority in your field?
- You view that treatise as a reliable authority in your field?
- Det. Bryant, I am going to read for you from that Treatise. You follow along to make sure I read it right. On page 2 in describing **“Police Goals and Objectives,”** Gardner writes the bullet Point:
 - **“Protection of personal liberty: This is perhaps the single most confusing aspect of the police role in society. Police have a mandate to protect citizens from unwarranted police interference of their personal liberties. In effect, the police must actively control their own behavior to ensure that their methods and practices abide by the Constitution and the law.”**
- **DO NOT GO ROGUE AND ASK OR STATE AN “I GOTACHA” FOLLOW UP. Which brings me to my final point:**

5. Shut the Fuck Up



5. Shut the Fuck Up

- Related to only asking questions you know the answer to and questions that aid your TOC, know when to stop asking questions.
- You are there to ask as few questions as you can to aid your TOC and then leave
- You are not smarter than the expert
- Do not argue
- If you must argue, argue with your own expert