

Article Title: PEOPLE v. MORALES

Origin: Court of Appeals of California, Fourth District, Division Three

Date Published: 2010-09-28

Author: Judges O'LEARY, ACTING and P. J. IKOLA, J.

Article's Subject Matter:

This is a court decision from an Appeal of a conviction based on fingerprint evidence. Simon COLE for defense, stated during trial that fingerprint identification wasn't an exact science. Defense argued that instructions to the jury about fingerprint identification evidence were not correct, and that the defense's submitted points as added instruction to the jury were ignored by the trial judge.

Appeal's judges ruled defense's suggested instructions to jury inadmissible, no error with trial / jury instructions given. Appeal denied.

Key Points in Article

- Simon Cole at trial testified for defense that fingerprint identification not an exact science
- Cole and Defense team stated that the 'Examiner' wasn't a scientist
- Defense requested instruction to jury that the opinion of 'Examiner' was just an opinion
- Appeal's judges rejected the Defense's suggested Jury instruction statement as misleading
- To 'un-qualify' an examiner (to state he is not a scientist) was an unnecessary statement
- Prosecution argued that Case Law rules concerning Expert Evidence were sufficient
- Judges accepted the Trial Judges reasoning, as well as the Prosecution's arguments

Fallacies and Issues

- This was an attempt by defense, to lessen the importance of fingerprint evidence, by attacking the Examiner's status, role, and importance of evidence.
- This was not a Daubert argument, but an argument of instructions/charge to the jury
- Arguments of this kind can be expected in Canadian Courts as well, but should not interfere with evidence in chief.