

**Criminal Law Section**  
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**TRIAL ON THE CHEAP**  
USING PHYSICAL AND DEMONSTRATIVE EVIDENCE  
THAT DOESN'T COST A BUNDLE

Most trials use testimony from various witnesses to describe people, places, events, or things to a jury. Frequently it is difficult for a jury to comprehend what is being described. Whoever said "a picture is worth 1000 words" certainly knew what he was talking about.

Although trial exhibits can cost hundreds or even thousands of dollars to have prepared, it is frequently true that many simple exhibits can be made inexpensively.

These exhibits can take the form of photographs, maps, diagrams, models, and simple experiments.

**MAPS:**

All too often, in the course of the trial, both parties rely on a police officer using chalk and a blackboard to draw copy of an intersection or portion of a street or parking lot where an event took place. With the advent of the Internet, many map programs have the ability for you to prepare a map of the given address or intersection on what ever scale you wish. This map, once printed, may be blown up and mounted quite easily as a trial exhibit. As most Internet based maps are in color, the color printer would be a definite plus.

Below is a list of some of the map web sites that can be used for this purpose:

[City.net/maps/](http://City.net/maps/)

[Lycos.com/road map/](http://Lycos.com/road map/)

[Mapblast.com](http://Mapblast.com)

Maponus.com

Mapquest.com

Webcrawler.city.net/maps/driving

Map.yahoo.com/py/maps.py

Many map making programs are available such as Rand McNally's TripMaker and StreetFinder. These also have the ability to make a color map to any scale you wish.

Fairly detailed maps are also available either for free or a nominal cost from your county road commission or city traffic engineering department. These maps will be much more detailed as to streets and intersections than maps taken off the Internet. Many of the detailed maps will contain such information as the width of the traffic lanes, where traffic control devices are placed, types of traffic control devices, and the length of time the red, yellow, and green lights last. These also can be blown up or mounted on to foam core board.

### **AERIAL PHOTOGRAPHS:**

There are times when an aerial photograph is your best evidence of the area in which a crime took place. This is especially true of intersections, parking lots, malls, wooded areas, or houses. This may be especially important were the arrest took place some distance from the location of the crime. There are numerous places on the Internet where you can download aerial photographs or those taken from space at a nominal cost. One of the best is the U.S. G. S. site located at USGS.GOV.. These photographs cost approximately \$75 for a 36 by 36 in. photo, and \$16 for 9 X 9 in photo. Many of the other web sites cost somewhat more, but you have greater say in what resolution you want your photograph.

In many counties, the local register of deeds will have aerial photographs that are fairly detailed of a much smaller area, and a very reasonable cost. These usually run \$10 to \$20 apiece, and be easily mounted on foam core board.

If none of these sources meet your needs, you may want it take your own photos. Most small airports have flying schools, and airplane rides are at a fairly reasonable cost. Most of these pilots would be happy to fly over particular location to allow you to take pictures. Airplane rides generally start at \$20 and rarely costs more than \$100. You may want to have someone else with you to testify that the photographs are a fair and accurate representation at trial.

## **MODELS:**

There are times when a scale model of a home, business, or neighborhood is especially effective way of demonstrating to jurors how certain events took place.

You can build your model out of almost any material although foam core board works well. You may wish to hire a graphic artist to prepare your model, or contact the local college architectural program. You may wish to build your scale model of the home or business with a rough that comes off showing the interior layout of the building. This makes it much easier for witnesses to describe where in the building they were located at the time of the incident. Using the measurements that were taken at the scene you can have holes drilled in the various walls or doors to show where bullets traveled. You may wish to connect up the bullet holes with either string or a welding rod to show the bullet's path.

## **PHOTOS:**

Many times photographs of a particular scene can assist the jury in determining what really happened. These photographs may or may not have been taken by the police. You may wish to have someone else return to the scene to take your own photographs. This can be done with either film or a digital camera. Either may be blown up, laminated, and mounted on foam core board fairly inexpensively.

Color photographs can be blown up for approximately \$8 per square foot. That makes an 18 by 24 inch exhibit approximately \$24. Many locations will charge you \$10 to scan the photograph if it was not taken with a digital camera. There's an additional charge of approximately 5 dollars per square foot to mount a photograph on foam core board. A photograph you wished to have blown up for trial purposes it would run you just under \$50 for each exhibit. If your photograph was in black and white, your cost would be under \$30.

With most digital cameras you can now take pictures of physical evidence, such as checks, letters, documents, or other items and have them blown up as a trial exhibit.

You can also take photographs, photocopies or original documents into copy places like Kinko's and have transparencies prepared for an overhead projector. Most courthouse's overhead projector is available for use in the courtroom, and you can project them onto the wall or a screen so that the entire jury can see the exhibit at the same time. Transparencies cost 75 cents apiece in black and white and \$3 apiece for color.

At your local office supply store, you can purchase a package of red or yellow arrows, such as may be used by secretaries to the note the signature line on documents. Make sure you get the kind without the notation "sign here". These may be used by your witnesses to point out various aspects on your photograph that they are testifying to, so to draw the jury's attention.

Have these affixed to your exhibit by the witness during the trial.

## **DEMONSTRATIVE EVIDENCE**

If you don't have the money to hire an expert, consider having a simple demonstration performed either in front of the jury, or elsewhere, so that the jury may see the results.

If a story related by one of the witnesses would lead one to believe that there should be some physical evidence remaining, such as scuff marks on boots, dents in a piece of wood, or fingerprints, think about doing a physical demonstration in front of the jury to demonstrate why the marks are or are not there. This can be very powerful evidence to refute the statement by a witness or substantiate his/her story.

You may wish to hire a professor from a local college, or a retired police officer to actually perform the test. If this is done away from the jury, make sure you videotape and photograph the proceedings to deflect any challenge as to its authenticity.

Again you do not have to have an expert performing simple tests or demonstrations if what you are demonstrating is reasonably understandable by the jury.

## **HIGH TECH TOYS**

Although not cheap, there are number of new high-tech toys on the market that can make your job of demonstrating things to the jury much easier.

These break down into two categories. First is the Power Point type device that takes your video display screen from a computer and projects it on to a screen or wall. These are usually used for making presentations, but any image or digital photograph can be scanned or downloaded into the computer and shown on the screen. The advantage to this is that the image can be manipulated such as adding captions or arrows to highlight something.

The second type is a video display device. This usually consists of a flat screen which is lighted from above or below. Above this screen is a small video camera which can be zoomed and/or out and displays its picture on a television screen. This type of device can be used to show physical evidence, photographs, slides, or transparencies. Virtually anything can be put on this device and projected onto a television screen.