

Forensic Evidence and the Expert Witness 3028NSC - Tri 2 2021 - Nathan Campus - Blended

1. General Course Information

1.1 Course Details

Course code	3028NSC
Course title	Forensic Evidence and the Expert Witness
Academic organisation	ESC School of Environment and Science
Trimester	Trimester 2 2021
Mode	Blended
Level	Undergraduate
Location	Nathan, On Campus
Credit point value	10

Restrictions:

Restriction: Students must be enrolled in the following programs: 1264 B Forensic Science, 1433 B Forensic Sc/B Crim Crim Just

Course Description:

This course covers the nature and presentation of forensic evidence in court; the role of the expert witness from the perspective of both Prosecution and Defence; the Jury's perception of forensic evidence and expert witnesses.

Assumed Background:

This course is a Capstone course for the Forensic Science programs.

To be eligible to enrol in this Course, you must have achieved a minimum grade of P or 4 in 1008NSC: Principles of Forensic Investigation and 2022NSC: Forensic Laboratory Accreditation and Quality Systems.

You should also have completed and passed all other Forensic Core Courses relevant to your chosen Major (ie 3015NSC: Forensic Chemistry & Toxicology, or 3017NSC: Forensic DNA Profiling) up until your final trimester of study.

1.2 Course Introduction

Welcome to 3028NSC, Forensic Evidence and the Expert Witness.

This course will introduce you to the concepts of Forensic Evidence, the Rules of Expert Evidence and important concepts and cases that relate to these, and will provide you with experience in presenting forensic evidence in a real courtroom with real barristers conducting the case.

Any course questions can be emailed to any of the course teaching staff or to the course convenor. **When emailing please be sure to include the course code and your full name and student number in the email.** Please see the Staff Information link for contact details of other teaching team members.

All course correspondence will be sent ONLY to your student email accounts. **Please be aware that substitution of a personal email account such as a hotmail address for a nominated Griffith University account is NOT permitted.** Such email accounts will NOT be accepted as a matter of University policy, so if you have such an account in use for student correspondence at present, please ensure it is changed back to a legitimate Griffith University address. **It is your personal responsibility to check your Griffith University email account at least daily,** as important and urgent updates including class scheduling changes may be sent to you by this means. Late changes may occur due to matters beyond our control; barristers are busy people, and sometimes the demands of cases may render them unavailable at short notice. Any changes to arrangements will be communicated by means of announcements on the

course Learning@Griffith site and will also be emailed to your Griffith University email account at the earliest possible opportunity.

The course does not use any specific text. You are, however, expected to read widely on the topics covered, and recommended reading including relevant cases and judgements will be provided on this website from time to time. It remains your responsibility, however, to read as widely as possible. You should read all the cases and judgements placed on the Learning@Griffith course website. These may not be covered explicitly during class sessions, but are required reading and should be considered to be examinable material.

In general, class learning material, including lecture notes, will NOT be placed in this course site under the teaching materials link on the learning@griffith menu. This is to encourage you to develop your skills in individual note-taking and organisation, as the writing of contemporaneous notes during your forensic case work is a crucial component of your daily operation. Such notes may be the only documents that you may be able to reference during a court appearance. The course Learning@Griffith web page site must be used to submit assignments electronically.

Please be aware that court attendance is marked by means of a class roll, and in order to the pass the course you will be required to submit each piece of assessment and attend ALL of the court sessions.

Passing the final examination is a requirement to obtain a passing grade for this course, irrespective of the marks attained in the other assessment components.

Before the first class you should take the time to familiarise yourself with the course site on Learning@Griffith and go through this course outline which provides information on weekly topics and assessment items.

As much of this course is taught by experts who are not members of the permanent University staff, we do not have control of their other demands that may be made on their time and expertise, often at short notice. It is likely that the course schedule may change from time to time as an inevitable consequence. **IT IS YOUR RESPONSIBILITY TO CHECK THE COURSE CALENDAR ON THIS LEARNING@GRIFFITH SITE** to be kept aware of changes that may occur as late as the day of a scheduled session.

Previous Student Feedback

- I like the fact that it gave us practical experience within the court room
- Practical assessment of testifying in court, rather than just a written assessment.
- The fact that we got to go to court and experience what it would be like in a real life setting. This is very helpful.
- We finally got to do something practical in court and that was really fun and interesting even though i was nervous about presenting myself as an expert witness but overall it was really fun.
- Great external content, the lawyers are fantastic in court really opens your eyes into the field.
- The practical nature of this course not only made it a more realistic learning process, but also made it more interesting.
- Having guest lecturers was brilliant. It's really nice to get an outside perspective. I'd like to mention here that our guest lecturer Angelo was particularly good. I found his lectures very interesting and he seemed really enthusiastic about what he was talking about. Also Liam, one of our lawyers in court, was very good. His comments about students' performance were very helpful.

1.3 Course Staff

Primary Convenor

Ms Donna MacGregor

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Convenor **APro Carney Matheson**

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Lecturer **APro Sarah Cresswell**

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1.4 Timetable

Timetables are available on [the Programs and Courses website](#).

NB: Details contained in this Section of the course profile and Section 4.1 Learning Activities are to be read in conjunction with the official class timetable. The published class timetable which is the authoritative source for timetabling information for all campuses can be located by clicking on the above link.

Additional Timetable Information

A roster for court appearances will be circulated by the end of Week 4 of Trimester.

This course will be offered in a blended mode in Trimester 2 2021. This means that some of the course will be offered online however there may be opportunities for students attend the campus for some components during the Trimester, depending on Government COVID regulations. Ensure you check the Learning@Griffith course site for specific details of classes.

1.5 Lecture Capture

It is standard practice at Griffith University that lectures timetabled in lecture capture-enabled venues are recorded and made available to students on the relevant course site, in accordance with the University's [Lecture Capture Policy](#).

The lecture series delivered as part of this course will be recorded and accessible via the Learning@Griffith course site.

1.6 Technical Specifications

Accessing teaching resources on the 3028NSC Learning@Griffith course site is best achieved via Google Chrome. However if you are using a Mac and encounter technical issues, use the default browser, which is Firefox. If you encounter any other technical issues contact the IT helpdesk on 3735 5555.

2. Aims, Outcomes & Graduate Attributes

2.1 Course Aims

This course, 3028NSC - Forensic Evidence and the Expert Witness, is available ONLY to students enrolled in the programs 1264 Bachelor of Forensic Science or 1265/1368/1433 Bachelor of Forensic Science/ Bachelor of Criminology and Criminal Justice. It is a core course for both the Forensic Molecular Biology Major and the Forensic Chemistry Major.

This course aims to equip you with the necessary understanding and skills to operate as an effective and competent forensic expert witness at all levels of Queensland Courts.

It aims to explain the nature of evidence, the elements of expert evidence, the rules of expert evidence, and court protocol for an expert witness.

It further aims to provide you with experience in writing statements based on expert examination of scenes and/or exhibits, and permits you to present your evidence in a moot court, where you will be examined, cross-examined and possibly re-examined by real barristers in simulation of a real event. Feedback from these sessions will inform your learning and prepare you for real-world experience, as will observation of the court performances of your peers throughout the latter part of the trimester.

It aims to bring together all of the learning you have undertaken during your studies in Forensic Science and bring it to bear on evidence you will provide in relation to data from a matter in which you have performed actual laboratory tests relating to your major (or majors) in a previous course, or simulated data if this is not possible. This data, together with your learning and experience will be synthesized to create a Statement of Witness and expert testimony in relation to the matter before a court, with you as the expert.

2.2 Learning Outcomes

After successfully completing this course you should be able to:

1. CONTENT-BASED OUTCOMES

- 1.1 Understand and explain what is meant by the term "evidence" in the legal sense of the word.
- 1.2 Understand and explain the circumstances in which forensic experts can provide opinion evidence in courts and the basis on which this evidence must rest.
- 1.3 Understand and explain the elements in writing useful and complete statements and how these relate to the evidence you can provide to a court.
- 1.4 Understand and explain for whom you work when acting as an expert witness before a court.
- 1.5 Understand and explain the limitations placed upon you as an expert witness.
- 1.6 Understand and explain the role of the expert witness.

2. COGNITIVE OUTCOMES

- 2.1 Analyse and critique statements relating to expert examination and opinion.
- 2.2 Analyse, critique and discuss evidence given by your peers during moot court appearances.
- 2.3 Analyse and critique cases which have helped shape the accepted procedures and practices for provision of expert evidence in Queensland.
- 2.4 Understand and discuss the principles underlying the ethical and responsible provision of expert evidence in the justice system.

3. APPLICATION OUTCOMES

- 3.1 Demonstrate the writing of statements for evidential purposes.
- 3.2 Understand, explain and demonstrate the need to include appropriate documentation relating to accepted procedures, practice and interpretation of test results with your statements.
- 3.3 Provide evidence relating to a statement you have written before a moot court, and be crossexamined upon it.

2.3. Graduate Attributes

For further details on the Griffith Graduate please [click here](#)

Griffith University prepares influential graduates to be:

- [Knowledgeable and skilled, with critical judgement](#)
- [Effective communicators and collaborators](#)
- [Innovative, creative and entrepreneurial](#)
- [Socially responsible and engaged in their communities](#)
- [Culturally capable when working with First Australians](#)
- [Effective in culturally diverse and international environments](#)

This table demonstrates where each of the Griffith Graduate Attributes is taught, practised and assessed in this course.

For further details on the Griffith Graduate Attributes please refer to [The Griffith Graduate policy](#).

University wide attributes

Graduate Attribute	Taught	Practised	Assessed
Knowledgeable and skilled, with critical judgement	•	•	•
Effective communicators and collaborators		•	•
Innovative, creative and entrepreneurial		•	
Socially responsible and engaged in their communities		•	

Additional Course Information on Graduate Attributes

This course will provide you opportunities to develop your oral and written communication skills. These skills are invaluable for future employers within the forensic sciences, and the broader community.

3. Learning Resources

3.1 Required Resources

Details of your Required Learning Resources are available from the [Reading List](#).

3.2 Recommended Resources

Details of your Recommended Learning Resources are available from the [Reading List](#).

3.3 University Learning Resources

The University provides many facilities and support services to assist students in their studies. Links to information about University support resources that are available to students are included below for easy reference.

Readings - New online service enabling students to access Required and Recommended Learning resources. It connects to the library catalogue to assist with quickly locating material held in Griffith libraries and enables students to manage and prioritise their readings, add personal study notes and export citations.

Learning@Griffith - there is a dedicated website for this course via the Learning@Griffith at myGriffith.

Academic Integrity Tutorial - this tutorial helps students to understand what academic integrity is and why it matters. You will be able to identify types of academic misconduct, understand what skills you will need in order to maintain academic integrity, and learn about the processes of referencing styles.

Student Support - provides a range of services to support students throughout their studies including personal support such as Counselling and Health Services; Academic support; and Financial and Welfare support.

The **Careers and Employment Team** provides: Career Wellbeing, Career Planning and Decision Making, Finding Jobs, Skills Identification and Development, Graduate Employment Information, LinkedIn Profile Review, Interview Preparation, Online Psychometric and Aptitude Test Preparation, International Student Support, Disability Disclosure Strategies and Higher Degree Research (HDR) Career Consultations.

Library and Learning Services: Library and Learning Services provides a wide range of quality client-focused services and programs to students, researchers and staff of the University. Library and Learning Services works in collaboration with the academic community to achieve academic and research outcomes.

Support for learning - the University provides access to common use computing facilities for educational purposes.

Code of Practice - Griffith Information Technology Resources.

3.5 Other Learning Resources & Information

Reference materials will be placed on the learning@griffith site for this course for you to use.

This material may include documents, legislation and judgements relevant to elements of the course.

You should read and use these as integral components of your studies, as they may form a basis to some of the questions asked during assessments.

4. Teaching & Learning Activities

4.1 Learning Activities

Week Commencing	Activity	Learning Outcomes
19 Jul 21 18:00 - 19 Jul 21 19:50	Week 1 (Lecture): Introduction to Course.	1.3, 2.1, 3.1, 3.2
23 Jul 21 11:00 - 15 Oct 21 11:00	Weekly Tutorial (Tutorial): Weekly opportunities for students to either (a) prepare for moot court by compiling their statements of witness and receive feedback, practice delivering an expert testimony and receive suggestions and feedback; or (b) critique cases that have shaped the procedures and process for the delivery of expert evidence in Queensland Courts; or (c) prepare and practice employability skills ie job application, cover letter, CV and prepare for an interview for a job	1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 2.1, 2.2, 2.4
26 Jul 21 18:00 - 26 Jul 21 19:50	Week 2 (Lecture): Statements and Statement Writing: Specific matters relating to statement writing for your discipline for the Australian Legal System.	1.3, 1.4, 2.1, 3.2

Week Commencing	Activity	Learning Outcomes
2 Aug 21 18:00 - 30 Sep 21 19:50	Weeks 3 - 6 (Lecture): Guest Lecturers. Guest barristers will present on the following topics; Types of admissible evidence - facts, documents and opinions; Expert Witnesses and expert reports - their function and role, and the neutrality of evidence; Common Law and the Expert Witness; and Coroners Court.	1.1, 1.2, 1.4, 1.5, 1.6, 2.1, 2.2, 2.3, 2.4, 3.2
23 Aug 21 18:00 - 12 Oct 21 19:50	Moot Court - Magistrates Court (Moots): Present to the Brisbane Magistrates court (363 George Street, Brisbane City) and deliver an expert statement of witness	1.1, 1.4, 1.5, 1.6, 2.2, 2.4, 3.1, 3.2, 3.3

4.2 Other Teaching and Learning Activities Information

This course will be presented as a series of lectures, tutorials and as a series of moot court sessions, during which you will perform as an expert witness.

Initial teaching will be done using conventional lectures. Some of these will be given by University academic staff, and some by barristers.

Challenging questions may be presented to you during some of the sessions, and this will help you become comfortable with the choice of appropriate techniques relevant to your examination of exhibits/scenes, with the interpretation of results you receive from such tests, the documentation you require to support interpretation and substantiation of your results, and the role your findings and interpretation will play in the Justice System. Evaluating solutions provided by other students and comparing them with your own will help you develop critical abilities in respect of your own work and that of other students.

You are strongly advised to attend all lectures, **and attendance at all of the court sessions held in this course for your group is compulsory; a roll will be kept.** They form a solid basis for professional practice, and elements of this course build on earlier knowledge provided as a developing framework for learning.

Attendance and active participation in all court sessions held for your group are *requirements for passing this course*. If you cannot be present at a session, then submission of a medical certificate or statutory declaration stating the circumstances is a requirement on your return to class. A significant reason will be required for absence if not due to medical circumstances for it to be accepted by the Course Convenor.

CONTENT SUMMARY

Material delivered in this course is as relevant and important to your professional performance as an expert witness as we can make it. Efforts will be made to refer to any topical cases of relevance or importance throughout the course.

Emphasis is placed on your acquiring practical skills and putting them into practice so that useful outcomes are achieved.

The skills and knowledge you gain during this course will be useful to you for the remainder of your professional life. They will allow you to critique the expert evidence of others, evaluate your own performance, and will help you successfully present expert forensic evidence before a court.

This material will be useful to you irrespective of your specific choice of forensic specialty, since the skills and knowledge learned are generic and can be applied to most forensic specialties. Development of critical evaluation skills are relevant and valuable regardless of which field/branch of science you elect to pursue, whether forensically-related or not.

Students Repeating a course: Normally students repeating a course should not "carry forward" marks from a previous attempt. Assessment items are usually offered to provide formative experience as well as a summative assessment. Therefore, NO MARK for any assessment item from a previous attempt will be carried forward.