EXPERTS

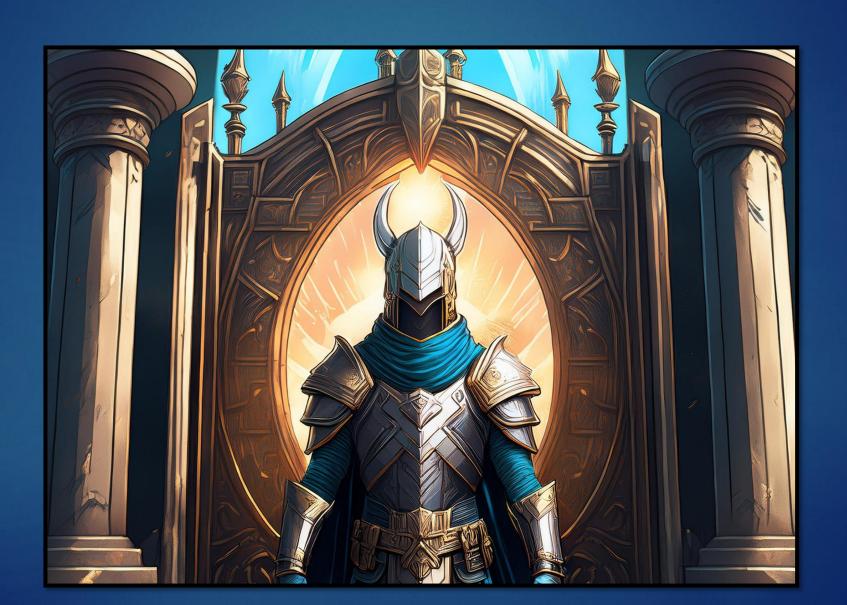
ADVANCED CRIMINAL PROCEDURE FOR SUPERIOR COURT JUDGES
APRIL 29, 2025
UNC SCHOOL OF GOVERNMENT



Battle of the Experts!



YOU ARE THE GATEKEEPER!





- Relevant evidence?
- ▶ Witness qualified?





- 2) Product of reliable principles and methods?
- 3) Principles and methods applied reliably to facts?











Practice Pointers

- > Pretrial talk about experts.
- > Pretrial hearing?
- > Muscle up as the gatekeeper.
- > NO expert opinion until ALL boxes checked.



Scrambled Testimony

> Fact Witness

- > Red sedan pulled into lot
- > Relevant facts; W has personal knowledge
- ➤ROE 401, 602

>Lay Witness Opinion

- >Car was going way too fast; everyone was terrified
- Rationally based on perception; helpful to clear understanding of testimony or determination of fact in issue
- ➤ ROE 701

> Expert Witness Opinion

- ➤ Bullet entrance wound on chest, punctured lung...
- ➤ ROE 702(a)



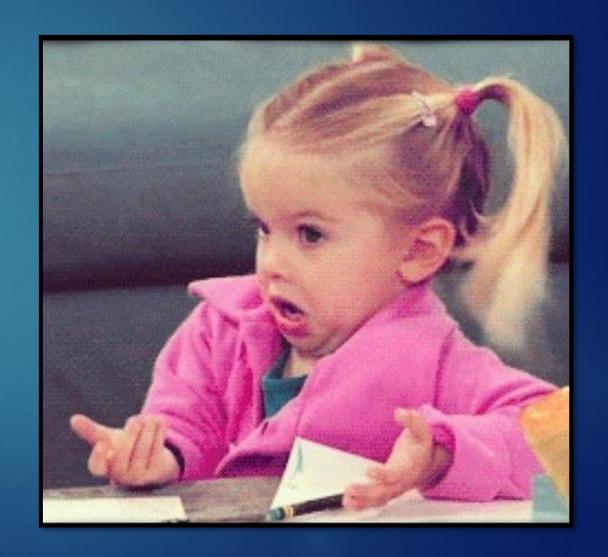
Basis of Opinion



- Facts or data expert knows of at or before hearing. ROE 703
- > Type reasonably relied on in field
- Disclosing basis ROE 705. Cf GS 15A-903
- > Error not to allow cross on basis
- > Limiting instruction if not substantive evidence
- Scholarly Treatise ROE 803(18)

Wait, was there an opinion?

- ▶ Possible cause of death
- ▶ 3/7 loci matched
- ▶ Indications of blood
- May have contributed



Group Work: Create a Manuscript

- ▶ Divide into 3 groups
 - ►Ideally, each group has someone with a computer to type notes
- Each group gets a handout with questions to answer and recent cases to consult
- ► Group work for about 20 minutes
- ▶ Then, each group will give 5-10 minute presentation
- ▶ Email me your notes and I will compile