

BOOK REVIEW

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A Review of Scientific Evidence in Criminal Cases, 3rd edition

REFERENCE: Moenssens, A. A., Inbau, F. E., and Starrs, J. E., *Scientific Evidence in Criminal Cases*, 3rd ed., Foundation Press, Mineola, NY, 1986, 805 pp.

This volume is the third edition of a work which, since its first appearance in 1973, has become the classic short treatment of its subject. The two senior authors, Professors Moenssens and Inbau, have long been associated with forensic science and have collaborated on the treatise since its inception. They are joined on the present edition by Professor James E. Starrs, also an experienced and well-known author on forensic science matters.

In their preface, the authors state that the book is intended for the use of two distinct audiences, attorneys preparing for litigation potentially involving scientific evidence and expert witnesses anticipating providing such evidence. Accordingly, the work is roughly divided into parts. The first and shorter part is devoted to a brief overview of the history and current status of the law relating to scientific evidence and to the role of the expert witness in the trial process. By far the greater portion of the book consists of a series of chapters presenting the underlying principles, applications, and current legal status of some of the most commonly encountered types of "hard" scientific evidence. This reviewer believes that the relative utility of the volume to its two intended audiences is in direct proportion to the amount of material of primary interest to each. While the novice expert witness may derive helpful advice and orientation from the opening sections, one or two experiences on the stand will undoubtedly provide a more complete course of instruction.

The chapters on the varieties of scientific evidence, on the other hand, will be of primary use to the nonscientist, and the book will continue to prove invaluable to attorneys in criminal cases and others who will periodically need an authoritative description of the basic principles of one or more of the commonly offered types of scientific evidence. While the treatments of each type of evidence are brief, and, as the authors acknowledge, are not intended to enhance the substantive knowledge of one already expert in the field, the descriptions are both sufficiently comprehensive and nontechnical in their language to allow the nonexpert attorney to gain an adequate familiarity with each subject. The utility of the work is further enhanced by a wealth of illustrations and by extensive bibliographies accompanying each chapter.

A word should be said concerning the definition which the authors give to the term "scientific evidence," which differs somewhat from that commonly used by the courts. Traditionally, and somewhat misleadingly, courts have limited the term "scientific evidence" to those

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types of evidences which rest upon principles of which some exceptional type of evidentiary validation has been required beyond their acceptance by an admittedly expert witness. In this curious parlance, firearm identification through ballistics is commonly referred to as "scientific," which the testimony of a pathologist as to cause of death is not. The authors reject any such artificial line of demarcation and in effect employ instead a common sense, pragmatic definition which embraces all those kinds of evidence whose forensic science value depends upon physical principles not familiar to the average layperson. The authors do not, however, extend coverage to the so-called "soft sciences" which, though of increasing evidentiary significance, have been excluded from this edition for reasons of space.

This work will continue as an indispensable necessity for the library of prosecutors, and for private attorneys doing substantial amounts of criminal defense.