

LEGAL PROBABILISM

MARCELLO DI BELLO – ASU

READING GUIDE – WEEK #2

Rush. While reading the *Rush* opinion, skip the first page and begin reading at page 2. Please make sure you understand:

- the questions the court addresses in the case (p. 2)
- the evidence presented against the defendant (p. 3)
- DNA evidence versus other forms of identification evidence (p. 3)
- other court cases that address a similar question (pp. 3-4)
- comparison between DNA evidence and eyewitness testimony (pp. 4-5)
- the holding and the key supporting arguments

Wasserman This is a book chapter that serves as an introduction about DNA evidence: its history; how it works; legal controversies about the admissibility of DNA evidence; and its impact on trial proceedings and the criminal justice system

- history of DNA evidence, its discovery and its uses in court (p. 349-350)
- calculations of the probability of a DNA match, and assumptions they rely on (pp. 350-351)
- controversy about subpopulations and the ceiling principle (pp. 351-353)
- example of the prosecutor's fallacy and the impact of laboratory errors (pp. 353-355)
- the NRC panel and what it said about DNA evidence (pp. 355-356)
- Fryer v Daubert standards of admissibility of expert evidence (pp. 356-357)
- impact of DNA evidence on criminal investigation and adjudication (pp. 358-360)

Precis. Your precis should be one of the following:

- summary of the *Rush* decision: holding, supporting arguments and legal precedents;
- summary of Wasserman's discussion in the section 'DNA Typing Results as legal Evidence'

A precis should be no more than one page. If you want to write more, that's fine, but do not exaggerate! Be clear, simple, and concise. Due at the beginning of class.