**Admission into Evidence Court Cases Research Key**

1. Frye stated that all evidence must be generally accepted as reliable in the relevant scientific community. Daubert stated that the rigid requirement of Frye had been superseded by Rule 701 of the Federal Rules of Evidence. Judges could now determine at pretrial if evidence met the Daubert factors. Judges became the gate keepers; they could either allow or disallow the evidence at pretrial.
2. The Daubert factors are
   1. Whether the theory or testimony could be or has been tested.
   2. Whether the theory or technique has been subjected to peer review and publication.
   3. Is there a known or potential error rate?
   4. The existence and maintenance of standards controlling the technique’s operation.
   5. “General acceptance” can still have a bearing on the inquiry.
3. In this case, handwriting evidence did not meet the Daubert factors, but the case found handwriting analysis to be considered technical and admissible. The case did not meet the Daubert standards because handwriting analysis had not been subject as yet to rigorous testing, the error rate was not known, and published article reports differed from those in scientific journals.
4. This case expanded Daubert to all types of expert witness testimony and not just scientific expert testimony.
5. a. The court believes that today there is more “general acceptance” of handwriting analysis based upon its use by Scotland Yard, the Secret Service, the FBI, and the CIA.
   1. Fifteen universities now offer courses in forensics that include handwriting analysis.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Important Court Cases in Acceptance of Evidence** | | | | |
| **Case** | **Date** | **Case**  **Number** | **Summary of Case and Decision** | **Notes on Impact** |
| *Frye v. United States* | **1923** | **App.D.C.**  **1923** | **Expert opinion based on scientific techniques was admissible if the technique was “generally accepted as reliable in the relevant scientific community.** | **“General Acceptance Test” Established the general acceptance standard for allowing the use of expert testimony.** |
| ***Daubert v. Merrell Dow Pharmaceuticals*** | 1993 | 509 US  579, 113  S.Ct 2786.  125 L. Ed.  2d 469 | **Rigid requirement of Frye had been superseded by Rule 701 of the Federal Rules of Evidence could be allowed in court.** | Created “gate- keeping” role for judges.  Expert Witnesses meant hearsay was allowed in court of law. |
| ***United States v. Starzecpyzel*** | 1995 | 880F.  Supp.1027  (S.D.N.Y. 1995) | Determined handwriting analysis did not meet Daubert factors, but it found handwriting analysis to be considered as technical and admissible. | Did not meet Daubert because: |
| *Kumho Tire v. Carmichael* | **1999** | 526 U.S.  137, 119  S.Ct. 1167,  143 L. Ed.  2d 238  (1999) | **Expanded Daubert to include all expert testimony.** | **Expanded Daubert to include all types of expert witness testimony and not just scientific expert testimony.** |
| *United States v. Prime* | 2002 | **220 F.**  **Supp.2d**  **1203 (W.D. Wash. 2002)** | **Court upheld that handwriting analysis now met Daubert factors in admittance of reliable evidence.** | Handwriting experts recognized by Scotland Yard and the FBI. Forensics courses with handwriting analysis offered by 15 universities. |