

STATE OF CONNECTICUT

v.

ALFRED SWINTON

Case: 847 A.2d 921

Decision Date: May 2004

<http://www.jud.ct.gov/external/supapp/Cases/ARocr/CR268/268cr60.pdf>

Abstract: The defendant was convicted of first degree murder but appealed on the grounds that some of the evidence introduced against him should not have been admitted. At issue was the reliability of photographic images, on which the defendant based his appeal. The images included an Adobe Photoshop superimposition of the defendant's teeth over the bite mark and a set of computer-enhanced photographs. To test the merits of the defendant's claim, the court used a six-point test for the authentication of computer-generated or enhanced evidence: 1) the computer equipment is accepted in the field as standard and competent and was in good working order; 2) qualified computer operators were employed; 3) proper procedures were followed in connection with the input and output of information; 4) a reliable software program was utilized; 5) the equipment was programmed and operated correctly; and 6) the exhibit is properly identified as the output in question. Based on its analysis, the Court ruled that the computer-enhanced photographs had been admitted on an adequate foundation (they were admitted by an experienced forensic-expert with knowledge of the creation procedure), but that the overlay images should not have been admitted because they were introduced by an forensic odontologist who did not create them nor was familiar with their creation process