

DA's artists create high-tech exhibits for trials

County office has full-service shop

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Someday soon, those giant foam-core boards used to show photos, maps and diagrams to a jury may go the way of the dinosaurs.

In the evolution of courtroom tactics, lawyers have a new set of tools at their disposal.

San Diego prosecutors say they are increasingly using more high-tech devices in the courtroom — such as 3-D modeling and computer-generated animations and displays — to present evidence at trials.

They say the tools have a big impact in court, allowing lawyers to go beyond merely describing an incident or encounter, by showing what the situation might have been like at the moment.

The San Diego County District Attorney's Office is among the first in the state to employ its own graphic artists and animators to create the high-tech exhibits. The office has a small team of investigative technicians, most with training in the arts, mixed media or graphic design.

“As a full-service shop, I think we're probably on the forefront,” said Roxanne Grooms, a supervisor in the Trial Support Services Department. “We seem to be doing it more than other offices.”

District Attorney Bonnie Dumanis said recently that animations and other digital exhibits, though helpful, usually don't make or break a case. But having the technicians on hand lets prosecutors give high-tech treatment to cases that might not receive it otherwise.

“It's a tremendous value to have in-house,” Dumanis told reporters at a summer luncheon. She noted that just one animation, if outsourced, could cost tens of thousands of dollars.

Defense lawyers often fight to exclude computer animations from trials, arguing that the information they contain is irrelevant, that improper evidence was used to support it or that it was unfairly manipulated. In some cases, the animators are called to testify to explain how the images were created.

Attorney Michael Crowley, past president of the San Diego Criminal Defense Bar Association, said the question is usually whether an animation is likely to mislead a jury.

He noted that younger people, who tend to be more computer-savvy, might give added weight to a piece of evidence that's in slick, digital form.

“That's the danger,” **Crowley said**. “Are they going to be wowed by this?”

Even a simple digital image can pack a major punch.

For example, a glowing line snaking through a Google Earth satellite image can demonstrate the distance a motorist covered in an effort to elude capture, running several traffic lights in the process. A computer illustration of an apartment can show depth and detail that a two-dimensional diagram usually doesn't, down to the wrinkles in the bed linens.

"It's such a powerful medium," said Daniel Fox, an attorney with the California District Attorneys Association who has consulted with local prosecutors on numerous cases.

"If a picture is worth a thousand words, a video is worth 28,000 words per second," Fox said.

A recent San Diego criminal trial featured an animation of a vehicle speeding along University Avenue in Rolando, striking another car, then a pedestrian, before slamming into the corner of a storefront church. A version of the animation freezes at each point of impact and pans around the black Acura when it becomes wedged into the building.

The computer images then give way to actual crime-scene photos.

"It really looks quite real," said Fox, who deals mostly with cases in which people are killed in collisions. "It helps a jury to, as best as possible, understand what happened out there."

But motion isn't essential for computer images to be effective.

Fox said prosecutors have used the technology to depict a building that was demolished after a stabbing took place there. In another case, the jury was shown a still image of a nondescript man sneaking through a window — a rather chilling image as shown from the victim's point of view.

To be admissible in court, each element of the animation must be supported by evidence. In a collision case, that would include everything from the color of the traffic lights to the lengths of shadows cast on a palm-lined road.

"An animation is almost purely artwork," Fox said, likening it to a sketch artist's drawing of a suspect based on an eyewitness's description.

"The animations are based on expert analysis," he said.

August Larsen, president of AJL Litigation Media Inc., a local company that creates courtroom exhibits, said the cost of high-tech animations has come down as technology has become cheaper and faster. What cost \$100,000 a decade ago can be done today for \$20,000 or less.

Animations aren't solely the province of prosecutors, Larsen added. Attorneys have been using them in civil cases for years.

But a question of fairness remains. If the District Attorney's Office has technicians at the ready, what's available to the defense?

Gary Gibson, a deputy public defender who has handled numerous high-profile homicide cases, said the Public Defender's Office isn't likely to hire animators to work in-house. Instead, it will outsource when appropriate.

He said the technology is both effective and “cool,” but he, too, is cautious of potential danger.

“The problem with animations is that they're always (based on) your theory . . .” Gibson said. “They're not dispassionate science. They're advocacy.”

When both sides use the technology, he said, “it becomes a fight over who's got the better cartoon.”

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