

SUPREME COURT OF GEORGIA

Caldwell v. State, 260 Ga. 278

393 S.E.2d 436 (1990) · No. S90A0463 · Decided July 3, 1990

SUMMARY

The Supreme Court of Georgia reviews a capital case on pretrial review and addresses the admissibility of forensic DNA identification evidence, including laboratory procedures, match determination, and population-statistics calculations. The court also upholds consensual searches of the defendant's apartment and truck and rejects challenges concerning discovery of recordings and an opposing expert's scientific report. The DNA evidence ruling is affirmed except that the State may not use Lifecodes' claimed identity probability based on an unestablished Hardy-Weinberg equilibrium assumption, although more conservative figures may be used.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunt, Justice; All Justices
JURISDICTION	Georgia
DECIDED	July 3, 1990
DOCKET	S90A0463
DISPOSITION	other
PROCEDURAL POSTURE	Pretrial review in a capital prosecution of orders denying motions concerning the admissibility of DNA identification evidence, suppression of evidence, production of interview recordings, and reciprocal discovery of an expert's written scientific report.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential.
PARTIES	Caldwell v. The State

TOPICS

- evidence
- expert testimony
- fourth amendment
- search and seizure
- discovery criminal

PRACTICE AREAS

- criminal procedure
- evidence
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether forensic DNA identification evidence was admissible under Georgia's standard for determining the scientific reliability of a novel procedure.
2. Whether the trial court properly considered Lifecodes' laboratory procedures and protocols, in addition to the general validity of DNA identification techniques, in determining admissibility.
3. Whether the State could present Lifecodes' claimed population-statistical power of identity based on an assumption that the relevant population was in Hardy-Weinberg equilibrium when the State had not scientifically established that assumption.
4. Whether police searches of the defendant's apartment and the later search of his abandoned truck violated the Fourth Amendment.
5. Whether the defendant was entitled to production of any and all audio and video recordings of interviews with State witnesses.
6. Whether the State was entitled to obtain a copy of the defendant's expert's written scientific report and to call that expert as a witness.

HOLDINGS

1. Under Georgia law, admissibility of a novel scientific procedure is determined by whether the procedure has reached a scientific stage of verifiable certainty or rests upon the laws of nature, rather than by counting heads in the scientific community.
2. A trial court evaluating forensic DNA evidence must determine not only whether the underlying scientific principles and techniques are valid and capable of producing reliable results, but also whether the laboratory substantially performed the procedures in an acceptable scientific manner.
3. Visual declaration of a DNA match may be scientifically acceptable when it is confirmed by a scientifically acceptable test for determining band shift.
4. The State could not use Lifecodes' claimed power of identity based on an assumption that the relevant population was in Hardy-Weinberg equilibrium because the State had not scientifically established that assumption; the State could use the more conservative database-based figures supported by the evidence.
5. The searches did not violate the Fourth Amendment because the apartment searches were based on the consent of the defendant's wife, the sole lessee, and the truck was searched after the defendant abandoned it.
6. The trial court did not err by denying the defendant's request for production of any and all audio and video recordings of interviews with State witnesses.
7. The State is entitled to obtain a copy of a defendant's written scientific expert report on the same reciprocal basis that the defendant may obtain the State's expert report, and the defendant's expert may be called as a witness by the State.

KEY QUOTATIONS

“The significant point is that the trial court makes this determination based on the evidence available to him rather than by simply calculating the consensus in the scientific community.” (285-286)

“we conclude the trial court was correct when it determined not just whether the general scientific principles and techniques involved are valid, but also whether Lifecodes substantially performed the scientific procedures in an acceptable manner.” (286-287)

“Thus, the state should not be permitted to use Lifecodes' enormous claimed power of identity based on its "assumption" that the relevant population is in Hardy-Weinberg equilibrium.” (290)

FACTUAL BACKGROUND

The State sought the death penalty in connection with the stabbing death of twelve-year-old Sara Caldwell and the serious stabbing injury of ten-year-old Ben Caldwell. DNA testing by Lifecodes compared biological evidence with samples associated with the defendant; the principal dispute concerned laboratory quality control, declaration of a DNA match, band-shift analysis, and population-statistical calculations. The defendant also challenged extensive police searches of the apartment, where his wife had called police and invited them inside, and a later search of his abandoned truck.

PROCEDURAL HISTORY

The trial court conducted an extended evidentiary hearing on the admissibility of DNA identification evidence and denied the defendant's motion to exclude it. The trial court also denied the defendant's motion to suppress evidence obtained during searches of his apartment and truck and denied other discovery-related motions. The Supreme Court of Georgia granted pretrial review under OCGA §§ 17-10-35.1 and 17-10-35.2, affirmed most of the trial court's orders, but reversed the ruling insofar as it permitted the State to use Lifecodes' claimed population-statistical power of identity based on an unestablished Hardy-Weinberg-equilibrium assumption.

DISPOSITION

other

CASES CITED

- People v. Wesley, 533 N.Y.S.2d 643 (N.Y. Co. Ct. 1988)
- Frye v. United States, 293 F. 1013, 1014 (D.C. Cir. 1923)
- Harper v. State, 249 Ga. 519, 524-526, 292 S.E.2d 389 (1982)
- Minnesota v. Schwartz, 447 N.W.2d 422, 428-429 (Minn. 1989)
- People v. Castro, 545 N.Y.S.2d 985, 990, 992-993 (N.Y. Sup. Ct. 1989)
- Mincey v. Arizona, 437 U.S. 385 (1978)
- Williams v. State, 171 Ga. App. 546 (2), 320 S.E.2d 389 (1984)
- Boatright v. State, 192 Ga. App. 112 (2), 385 S.E.2d 298 (1989)
- Sabel v. State, 248 Ga. 10, 18 (6), 282 S.E.2d 61 (1981)
- Weakley v. State, 259 Ga. 205 (2), 378 S.E.2d 688 (1989)

