

Keith Borer Consultants

Forensic expertise – *when you need it*

May 2018

KBC in Scotland

Since the beginning of 2018, KBC's case work in Scotland has continued to expand. From his base in Newtown St Boswells, Alan Henderson's reputation for his tenacious approach to **fire investigation** is growing with customers in Scotland as it is throughout the UK.

KBC has also recently provided reports for cases in Scotland on the following types of evidence: **firearms classification, handwriting, gunshot residues, in drink driving cases and evaluating toxicology evidence, drugs valuation and usage and the interpretation of DNA evidence.**

We undertake work on a private basis, funded by insurance companies and by the Scottish Legal Aid Board. If you need help making an application to SLAB, we would be pleased to assist.

Mobile Phone Evidence

Disclosure of data held on mobile phones – should disclosure be limited?

Given that analysis of computer hard drives containing vastly greater amounts of data is routine, this argument does not appear sustainable. Forensic tools have evolved, as have the skills to search electronic data. Furthermore, if they are to secure funding to prepare a report for the defence, experts must expect to propose a justifiable and probative approach to the question being asked and, where applicable, explain this to the relevant legal aid authority.

KBC's approach is to assess both the prosecution evidence and defendant's account to determine a forensic strategy for mobile phone examinations which is focussed on testing the veracity of both.

If you are unsure as to what could/should be done with a mobile phone, please contact Thomas Marryat or Mark Henderson in our Durham office.



Ann Kiernan — firearms expert

Ann is recognised as one of the pre-eminent firearms and ballistics experts in the UK and Ireland. Her work ranges from classification considerations through to complex ballistics investigations including those for historic cases. In 2016, she was commended by the Coroner for her bespoke testing and presentation of evidence in one of the Deepcut Inquests. Customers also value direct contact with Ann to discuss their case and the intricacies of relevant firearms legislation.

Ann regularly gives evidence in Courts, inquests and other types of proceedings. She has a detailed knowledge of firearms legislation in Northern Ireland, the Republic of Ireland and in Scotland.

Please do not hesitate to contact us if you have a case in which Ann's expertise would be of help.

GDPR consent: how would you like to receive your newsletter?

If you prefer to receive our newsletter by email, you will need to sign up via the link in the footer of our website home page.

We only send out 2 newsletters each year and occasional updates about unusual cases or events that may be of interest to you. And we will not share your data with third parties.

Death by careless driving

In the circumstances of a fatal accident and a subsequent charge of death by careless driving, it can appear almost impossible to show that the driver was not careless.

In one such case, the driver of a heavily laden vehicle was approaching traffic lights at a junction within the 30 mph speed limit. At about 40 metres from the stop line, the traffic lights changed to amber against him and the driver took the decision to proceed. When his vehicle was 15-16m from the junction a cyclist started to cross the road, even though the pedestrian lights were still displaying a red man, and a fatal collision occurred.

KBC's Michael Prime was involved throughout the case and was able to show that the driver's decision to proceed on amber rather than apply emergency braking was not careless in the circumstances.

This subsequently led to a joint report with the police collision investigator and a trial at which the Judge intervened after the prosecution evidence had been presented, and, ultimately, a not guilty verdict recorded. The barrister commented that **Mr Prime was 'excellent in all respects—a very professional witness.'**

KBC's road incident investigation team accepts instructions funded by insurance companies, privately or by legal aid authorities. If you think we can help with one of your cases, please call us.



@KBCalison

You can follow Keith Borer Consultants on Twitter for up to date details of CPD training seminars for solicitors and barristers, links to news articles and case excerpts that may be useful to your case.

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Services

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