Sifting the Ashes **Summer 2022** Vol. 5, No. 1

Claude Garrett Freed After 30 Years of Wrongful Imprisonment

Claude Garrett tasted fresh strawberries and freedom for the first time in 30 years on May 10. I was honored to have participated in the April 5 hearing that persuaded the Judge Monte Watkins to grant a joint motion from the Davidson County Prosecutor's Conviction Review Unit (CRU) and the Federal Public Defender along with the Tennessee Innocence Project. In fact, Judge Watkins went as far as to declare Claude to be "actually innocent." His 19-page ruling masterfully took apart the state's original case, and even cited the Han Tak Lee case from Pennsylvania.

I first got involved in Claude's case at the urging of Stuart Bayne in 2010 when there was a hearing on a motion to vacate his conviction because of ineffective assistance of counsel, and even though his lawyer admitted to being ineffective, the judge didn't think so. I was next retained by the Federal Public Defender in 2016 to take a deep dive into the case and I did. I found that Garrett's conviction had been based on good old-fashioned 1980s fire investigation methodology, especially the fire investigator's claimed ability to distinguish charring caused by radiant heat from charring caused by a burning liquid in a fully involved room. He attributed the fire under the window to a "pour pattern." He knew it when he saw it. It is shown on the next page.

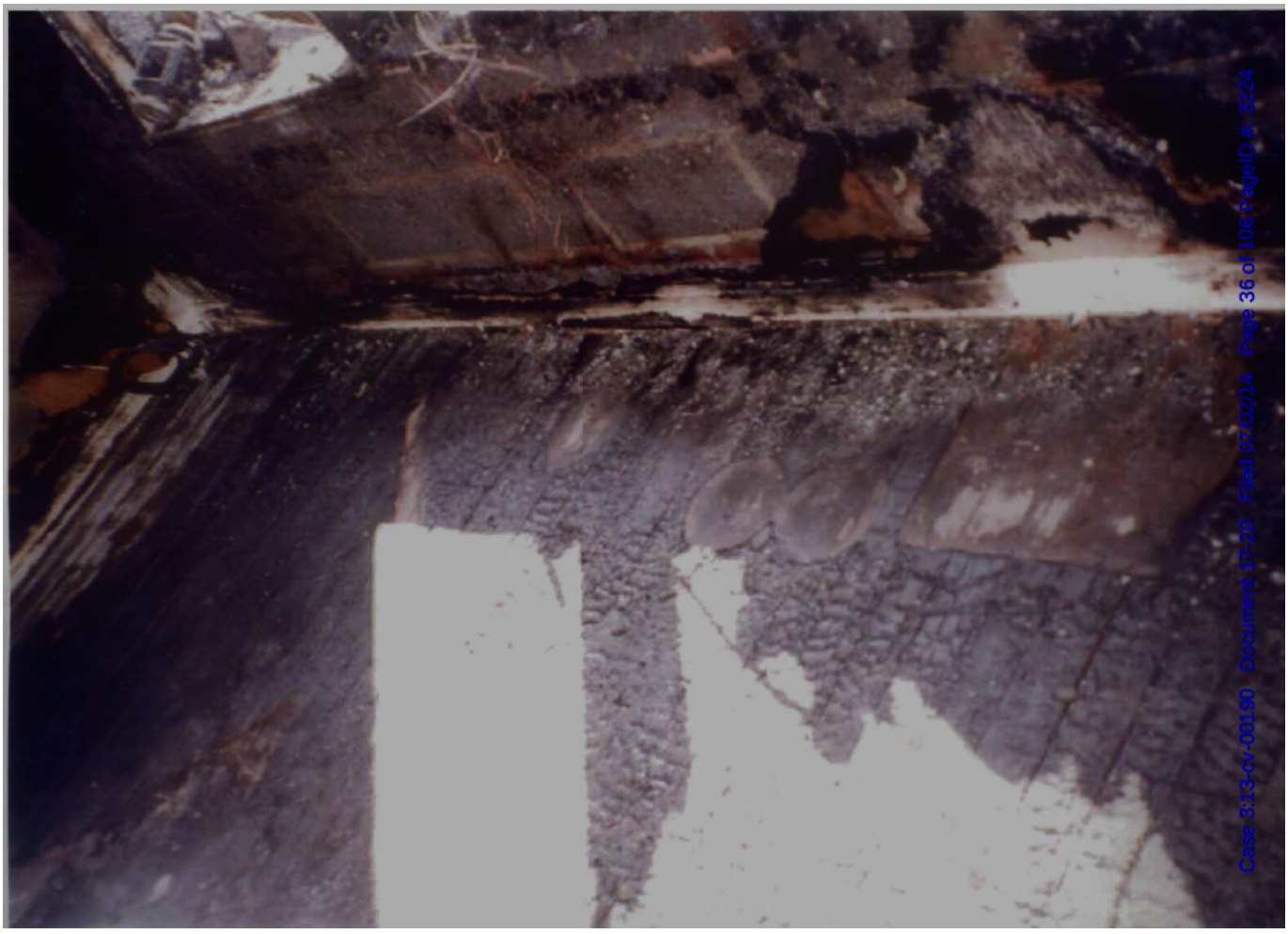


Figure 1. "Pour pattern" on the wet living room floor. The two round shadows in the center of this photo demonstrate that this charring was caused by radiant heat, but that fact was apparently lost on the state's fire experts. In fairness, it was 1992, but they maintained that fantasy well beyond the 2003 trial.

Claude was first tried in 1993, but the prosecutor (oops) "forgot" to produce a report that was central to the case.

Claude and his girlfriend, Lorie Lance, had been out drinking and came home about 2 AM, spent some time on the sofa in the living room, then went to bed. Both were smokers. They were awakened at 5 AM by smoke, and attempted to escape, but only Claude managed to get out. Lorie took a wrong turn and ended up in the utility room. Somehow it got into the heads of the fire investigators that she had been "locked" in the utility room, but that was not true. In fact, the fire captain (Jenkins) who found her told the lead detective (Miller) that the door was unlocked.

Somehow, that story got changed, but the detective's report about the unlocked door somehow never made it to the defense, and Detective Miller was not called as a witness. That caused the conviction of the overturned in 2001. Claude's case was re-tried in 2003.

The fire investigator, ATF Agent James Cooper, without considering any new developments in the preceding 10 years, spouted the same nonsense and told the jury that he didn't care about the carbon deposits on the sliding bolt that showed that the door was not latched, he just knew that Lorie had been found in that room and that was all he needed.

When cross-examined about studies regarding the ability of fire investigators to visually identify "pour patterns" in a fully involved room, the agent said that he respected scientists, but their work didn't really apply to fire investigation because their work involved "controlled situations." During his testimony, he used the term "pour pattern" 34 times. When a handsome federal agent says the same thing 34 times, the jury tends to believe him. Claude was wrongly convicted again.

Liliana Segura, a journalist with *The Intercept*, took an interest in the case in 2015, and covered it over the next seven years in eight different stories, which can be found at this link.

https://theintercept.com/2022/05/15/claude-garrett-release-tennessee-junk-science/

This is great journalism. Click the link on the *Intercept* website and read all 8 parts. Liliana can tell the story far better than I can.

In 2020, Liliana's journalism caught the eye of Sunny Eaton, who led the newly formed Davidson County CRU.

My file, which includes transcripts from both trials, reports, photographs, exhibits, my April 5 PowerPoint, the affidavit that I prepared in 2016, and a supplement prepared in 2020 can all be found at this link.

https://app.box.com/s/5txaqa1nhieq1yf7nc807bspne47dmsf

I got a nice phone call from Claude after his release and apologized to him on behalf of the fire investigation profession. He's just happy to be free.

Other people who played a role in bringing about the correction of this horrible miscarriage of justice were Stuart Bayne, who worked on the case for almost 20 years, and the "Tetra Committee," consisting of Dr. Craig Beyler, Doug Carpenter, Dr. James Munger, George Van Doren, and Gary Kemp from South Africa.

Dr. Candace Ashby, a battalion commander at the Indianapolis Fire Department, performed some very convincing experiments on smoke deposits on sliding bolt locks and brought that evidence to the hearing. She also testified that if Lorie had really been found locked in the utility room, the firefighters would have made a **huge deal** of that right away. A report by the late Dr. John DeHaan was entered into the record and considered by Judge Watkins. The report compared the burn injuries sustained by Claude and Lorie and concluded that Lorie **could not** have gotten those burns if she had been locked in the utility room. Dr. Greg Gorbett from EKU also played a pivotal role by assisting the Conviction Review Unit on a *pro bono basis*. The Conviction Review Unit was headed up by Sunny Eaton, supported by her boss, District Attorney General Glenn R. Funk.

Anyone who has worked on a postconviction case knows that these things can be maddeningly slow, and Claude Garrett's case was no exception. After the CRU filed their motion to vacate the conviction in early November, it took another six months for Claude to be freed. It turns out that the first judge assigned to the case was a former supervisor with the Tennessee Attorney General's office and had spent at least two years supervising the effort to keep the conviction intact. The judge dithered when asked to recuse herself, and decided there should be a hearing on the subject. It was not until February 4 that she finally recused herself and Judge Watkins needed some time to get up to speed and schedule the April 5 hearing. He took a month to issue his ruling, and it was still another four days before the Department of Corrections signed off on Claude's release.

Some people look at the results of a case like this and say, "The system worked!" Mr. Garrett would respectfully disagree.

Bricelyn Street Fire that Killed 3 Pittsburgh Firefighters Finally Resolved

Greg Brown, who was originally convicted of arson and homicide in the 1995 Bricelyn Street fire in which three firefighters perished, finally resolved his legal problems with an *Alford* plea. Brown was originally convicted in 1997, but that conviction was overturned in 2014 when a judge learned just how corrupt the investigation and trial had been. Two key witnesses against Brown, Keith Wright and Ibrahim Abdullah, did not come forward with their information until seven months after the fire, coincidentally just one day after a reward was offered. But they told the jury that they had not been paid and were not promised any rewards. That was a boldface lie.

Lying witnesses are common, but when the prosecution knows about it, that becomes a *Brady* violation. Although the prosecutors themselves claim innocence, an ATF agent by the name of Jason Wick sat through the entire trial, watched these two witnesses lie, and spoke not a word. Here is an excerpt from the ruling that overturned Brown's conviction after he had served 17 years in prison:

> The Court begins its rather short legal analysis with an observation that might not be obvious to the casual reader. The Court views the conduct of Jason Wick in not telling either prosecutor of what really transpired with witnesses Wright and Abdullah as if the prosecutors themselves engaged in that same silence. Our Courts treat investigative and prosecutorial personnel as part of the "prosecution team" for *Brady* purposes and this Court sees no distinction that should be drawn when dealing with the presentation of misleading testimony. *United States v. Perdomo*, 929 F.2d 967,970 (3d Cir. 1991) (A court's "inquiry into the prosecution's knowledge need not stop at the prosecutor himself but should also extend to whether any of the ... police officers knew of [the undisclosed favorable evidence] .... ").

Unfortunately, the corruption did not end with Jason Wick. ATF Special Agent William Petratis had sent samples to ATF chemist William Kinard, who reported negative findings. (Petraitis wrote a memo dated February 21, 1995 that stated, "Gas chromatograph analysis has failed to identify an accelerant.") At that point, grasping for any evidence that could prove his hypothesis that the fire began with gasoline in the basement of the residence, he urged the hiring of Dr. Jim

Quintiere to mathematically calculate that the fire was intentionally set. Dr. Quintiere did not testify, but Agent Petratis was allowed to tell the jury about his calculations.

Dr. William Kinard, who has been involved in at least two other cases with chemical analyses in which he changed his analytical results in a way that pleased the prosecution, later said that he actually did find gasoline in one of in two of the samples.

Dr. Craig Beyler was engaged by the defense after the conviction was overturned to examine the fire scene evidence, and he suggested that I be retained to review Dr. Kinard's work in finding gasoline. This was in late 2014.

I reviewed the work and found that Dr. Kinard had **not** found gasoline, and the data and *his lab notes* reflected that. What he actually found was a trace of medium petroleum distillate (MPD), also known as mineral spirits. Why he reported gasoline is completely unclear, and Dr. Kinard is no longer with us to answer questions about his methods. Finding a trace of MPD in a basement is not at all unusual, especially considering that the basement was flooded.

Counsel requested a report in 2016, but the case spent three years in limbo while jurisdictional litigation took place. After the conviction was overturned, the Allegheny County prosecutor did not want to try the case in front of the same judge who had overturned it and dismissed the case. But the original assistant district attorney, Shaun Sweeney, had moved to the United States Attorney's office and so Brown was indicted by a federal grand jury. Issues of double jeopardy were litigated and were finally resolved in the government's favor.

I prepared yet another report which I concluded by discussing another case in which I had been asked to review Dr. Kinnard's work. That was the case of Indiana versus Kristine Bunch, who had served 17 years after being wrongfully convicted based on Dr. Kinard's work. I quoted the court case that overturned Ms. Bunch's conviction based on the failure of the government to turn over the ATF's laboratory file, which included a report from Dr. Kinard stating the samples from a certain location were negative, but later issuing a second report finding kerosene where it did not belong. Only the second report was produced to the defense. I stated that there were parallels

between Dr. Kinard's behavior in the two cases. A brief account of Ms. Bunch's 2012 exoneration can be found here:

https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4085

After I submitted my report, it was turned over to the ATF, and this apparently prompted a review of more of Dr. Kinard's cases, and they found **yet another case** of improper chemical analysis, resulting in yet another conviction being vacated. This demonstrates that there are plenty of good people working at ATF who have the courage to stand up for the truth, even if it is inconvenient or embarrassing. For most of the agents I know, the truth is all that matters. The bad apples described in this newsletter have all retired or died.

Is "corruption" too strong a word? The judge certainly thought that Agent Wick was corrupt. What about Petratis? Maybe he was just engaging in denial and "zealous advocacy." Kinnard may have been just too much of a "team player," but three out of three of his cases that I have reviewed suggest something more sinister. More than 40 years of wrongful incarceration can be attributed to his incorrect conclusions. As forensic scientists, we are not supposed to make stuff up. We are supposed to accept what the data tell us.

Dr. Beyler and I were both prepared to go to trial, but defendants rarely fare well in federal court and Mr. Brown decided not to take the chance. Nobody can blame Mr. Brown for pleading guilty but maintaining his innocence. Having been convicted and serving 17 years for a crime he did not commit, he had no reason to believe that his second trial would be any fairer than the first. A June 8, 2022 newspaper account of the *Alford* plea may be found here:

https://www.post-gazette.com/news/crime-courts/2022/06/08/man-accused-deaths-three-firefighters-1995-enters-special-plea-walks-free-east-hills-alford/stories/202206080112

Essential documents from my file may be found here.
https://app.box.com/s/8mxeki395levvbz7w0vxricvq1h3y3fn

It's Hard to Believe This Bad Science Is Still Happening:
Wrong Origin + Negative Corpus = Wrongful Accusation

The civil case of [Insured Homeowner] versus [his insurance company] was recently settled more than two years after a fire rendered the [Homeowner's] residence uninhabitable. The fire occurred in late 2019. *(Note: the settlement was confidential, so names have been omitted. Names are unnecessary to convey the lessons of this case.)*

[Insured], his wife and three teenage children were at a church service when he got call on his cell phone telling him his house was on fire. The fire department was still on the scene when he returned. Two dogs and a cat died in the fire and a third dog had to be put down a few days later because smoke inhalation had caused severe brain damage. Firefighters assisted in burying the dead animals.

[The Insurance Company] had the fire investigated and denied the claim alleging that the fire had been intentionally set. I was retained by [the Homeowner's law firm] to review the scene and render an opinion as to the credibility of [The Insurance Company]'s retained expert's determination. At the time, it was believed that [The Insurance Company] had found some type of accelerant, but that turned out not to be the case. [The Insurance Company] flatly refused to share their expert file until after litigation had been joined. The local fire department had done a cursory examination and declared the fire undetermined.

I received the assignment in February 2021, and agreed to look at the residence, expecting to see a fully processed fire scene. I was both shocked and angered by what I found.

The house is shown in **Figure 1**. The only damage visible from the exterior was in the right rear quadrant, where one bedroom became fully involved and burned through the roof. There was a floor-to-ceiling window in the corner of the room. There was no question as to which room the fire had started in. The rest of the house sustained only smoke and heat damage, but all the contents were ruined. The exterior view of the corner of the house where the fire vented through the roof is shown in **Figure 2.**

Figure 1. Front of the residence.

Figure 2. Burned roof above the room of origin.

I went into the bedroom and found that an area about 2' x 2' just inside the failed window had been shoveled out. The rest of the room still had at least a foot of debris that the original fire investigator had not seen any need to remove. I faced a dilemma.

I could criticize the first investigator for failing to come anywhere close to doing a decent job (his report said he had followed NFPA 921), or I could do the job myself. At age 69 and having shoveled out more than 2,000 fire scenes, I was pretty much over using a shovel, but I had little choice. At least it wasn't summertime. By the time I had finished excavating the room, some six hours later, I had uncovered four potential ignition sources, and six cans of Krylon® spray paint that had exploded. I expected that the solvents for the paint were detected and declared to be an accelerant. The solvent and propellant (propane) could certainly intensify the fire, but the lab report, when it was finally produced, said no ignitable liquid was detected.

The room after processing is shown in **Figure 3**.

Figure 3. Northeast corner of the master bedroom. This was the location of the best-ventilated area of the bedroom. Photographed by John Lentini on February 5, 2021 after processing the scene.

The [Homeowner]s are members of [a hobby club], and Mrs. [Homeowner] made T-shirts and coffee mugs for the organization. There was a heat press for coffee mugs, another heat press for applying vinyl appliqués to T-shirts, a Cricut® (pronounced cricket) machine for cutting appliqués from sheet vinyl, and a relocatable power tap into which these devices were plugged. The burned Cricut® machine is shown in **Figure 4.**

Figure 4. Mrs. [Homeowner]'s burned Cricut® machine, found during my excavation of the master bedroom. Photographed by John Lentini on February 5, 2021.

I documented and retrieved all of this evidence and put it in storage. I did not feel the need to spend Mr. [Homeowner]'s money on a detailed examination of devices that the first investigator could not say he eliminated because he was blissfully unaware of their existence.

A little bit of Internet research revealed that Cricut® machines were believed to have caused several fires. I spoke to one insurance adjuster for a company that insures about 6% of the homes in the US, and he told me that he had four fires that were potentially attributable to Cricut® machines. I found one Cricut® machine owner who provided me with a photo of her Cricut® machine, which was the only thing that burned in her fire. That machine, shown in **Figure 5** was the only possible source of the fire.

Figure 5. Burned Cricut® machine. Downloaded from: https://2peasrefugees.boards.net/thread/98965/cricut-causes-house-fire-discussed

I was still unable to prepare a written report because I did not know what the allegations were, but I was not surprised when [The Insurance Company] finally produced their report. It turned out (as I had predicted) that the investigator had not only failed to properly process the scene, but he also based his finding of an incendiary fire on the fact that there were "no potential sources of accidental ignition" in the tiny area that he had excavated, which he believed to be the origin. This guy has apparently been living under a rock for the last 10 years and knew nothing about the ability of ventilation-generated fire patterns to mislead fire investigators. Or maybe he was just too damn lazy to do his job.

[The Homeowner's able attorneys] had filed their lawsuit shortly after my scene inspection because the statute of limitations was about to run out. The case was litigated extensively and

finally mediated. It was at that mediation that [The Insurance Company] saw my report for the first time, and the case settled that day. My report contained photos of the [Homeowner]'s wedding album, birth certificates for the entire family, photographs, and jewelry.

Also, **who kills their dogs**? I have only met one arsonist who did so intentionally and that was on the advice of his crooked insurance agent who told him to adopt a dog and wait 90 days before setting the fire. That agent later went to prison. The homeowner in this case was still visibly shaken when he described the loss of his pets more than a year after the fire.

Who remembers when many members of the fire investigation community went bonkers when NFPA 921 was changed in 2011 to disparage the use of negative corpus methodology? It is cases like this one that made that change necessary. It is amazing and infuriating that there are still "experts" who use this unscientific methodology.

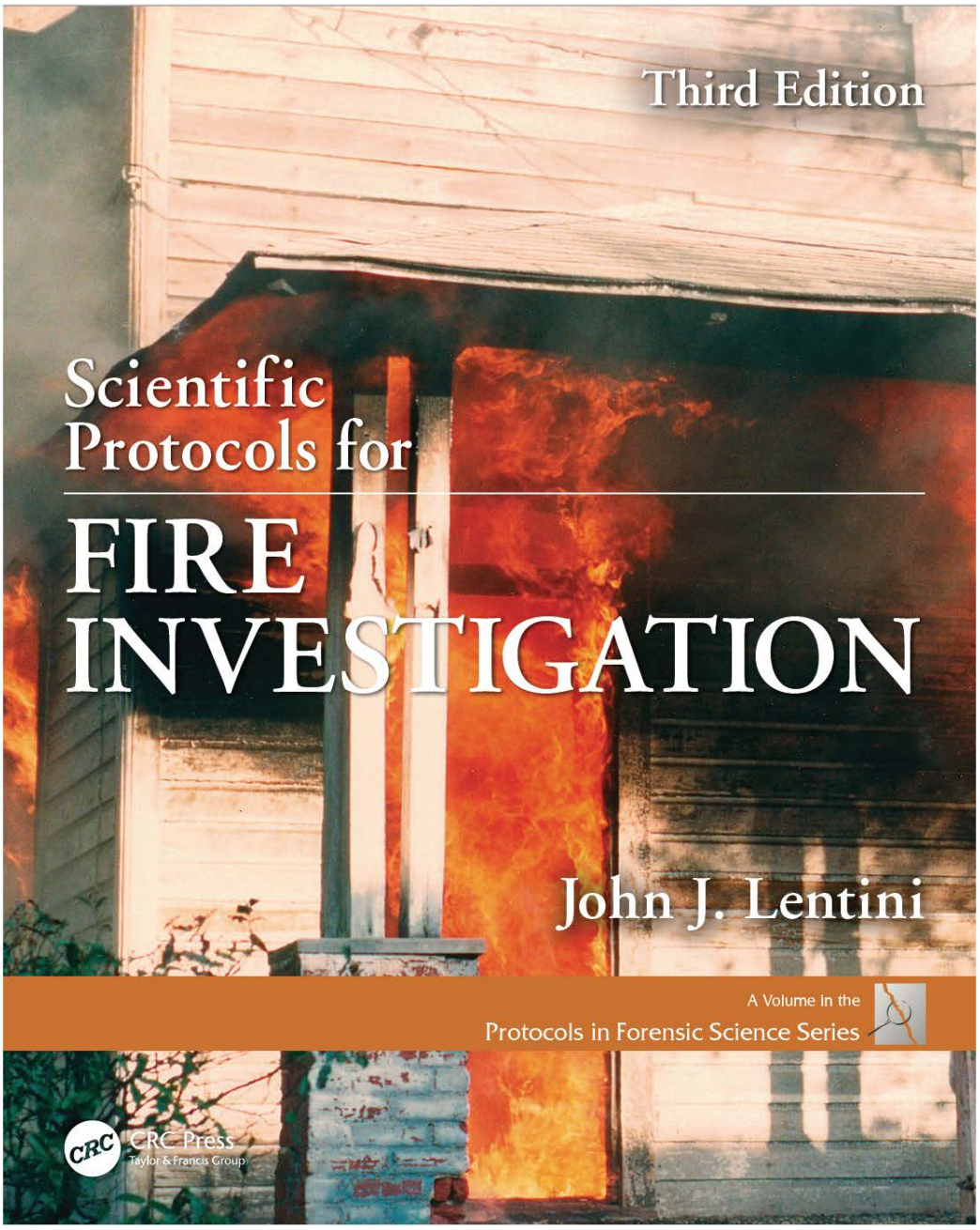
The fire investigators involved in this case have moved on to other companies, so there is no need to name the investigative firm here, and it may be that the principal investigator who caused [The Insurance Company] to wrongly deny this claim has found another line of work. We can hope. His supervisor, who signed off on one of the worst reports I have seen in a long time, is still in the business. I spoke to another former employee of this bulk investigation company, and he told me that as long as an employee's billing is consistent, quality is not a big concern. Insurance companies need to do a better job when selecting experts, or this kind of bs (bad science) will continue.

++

The rumors of my retirement have been greatly exaggerated! Though I try to avoid shoveling out fire scenes these days, I still have a robust practice reviewing cases and teaching. I will be teaching a two-day course covering my book on September 12 and 13 for the North Dakota Chapter of the IAAI in Bismarck. Details will follow soon.

Three-day Training Course at Your Facility

Get trained by one of the world's leading fire investigation consultants. Contact us to set up a three-day course at your location. The course covers the entirety of *Scientific Protocols for Fire Investigation*, Third Edition.
Scientific.Fire@yahoo.com



Rule 702 Is Clarified and Getting Junk Science Into Evidence Is About to Get Tougher.

On June 7, 2022, the Federal Judiciary's Standing Committee on Rules of Practice and Procedure released a 1066-page document (https://www.uscourts.gov/sites/default/files/2022-06_standing_committee_agenda_book_final.pdf) changing some rules of evidence and clarifying others. According to the Committee, they have **not** changed Rule 702 on testimony by expert witnesses but have "clarified" it because a number of trial court judges have misapplied the changes that were last made in 2000. The unanimously adopted rule change, which is still subject to approval by Congress and the Supreme Court, makes it clear that in the case of a challenge to an expert opinion, **it is the proponent of the expert, not the challenger**, who has the burden to prove to the court **that it is more likely than not** that the opinion the expert is going to render meets all the requirements of Rule 702. It also makes clear that it is the judge's job, not the jury's to determine reliability and admissibility.

Under the current version of Rule 702(d), expert opinion may be admitted if, the expert's methodology is reliable. The amendment is significant in that the court must now evaluate not only the expert's methodology, but also the expert's opinion. According to the Committee, the amendment "emphasize[s] that each expert opinion must stay within the bounds of what can be concluded from a reliable application of the expert's basis and methodology." In other words, courts should no longer admit testimony of a proposed expert who lays out a reliable methodology, but who reaches an unsupportable or overstated conclusion.

The proposed clarification of rule 702 and the Committee Notes can be found at pages 891 through 896 of the document, and is printed below in its entirety

The Committee also recommends that expert opinions should not be stated to be held to "a reasonable degree of scientific certainty." There is no such thing as scientific certainty, and this recommendation has been put forth previously by both the National Commission on Forensic Science (may it rest in peace) and the US Department of Justice.

Below is the text of the upcoming change. Additions are in red, deletions are ~~stricken.~~ (Highlights in the Committee's Note are mine.)

Rule 702. Testimony by Expert Witnesses

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the proponent demonstrates to the court that it is more likely than not that:

(a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;

(b) the testimony is based on sufficient facts or data;

(c) the testimony is the product of reliable principles and methods; and

(d) the ~~expert has reliably applied~~ expert's opinion reflects a reliable application of the principles and methods to the facts of the case.

Committee Note

Rule 702 has been amended in two respects:

(1) First, the rule has been amended to clarify and emphasize that expert testimony may not be admitted unless the proponent demonstrates to the court that it is more likely than not that the proffered testimony meets the admissibility requirements set forth in the rule. See Rule 104(a). This is the preponderance of the evidence standard that applies to most of the admissibility requirements set forth in the evidence rules. See *Bourjaily v. United States*, 483 U.S. 171, 175 (1987) ("The preponderance standard ensures that before admitting evidence, the court will have found it more likely than not that the technical issues and policy concerns addressed by the Federal Rules of Evidence have been afforded due consideration."); *Huddleston v. United States*, 485 U.S. 681, 687 (1988) ("preliminary factual findings under Rule 104(a) are subject to the preponderance-of-the evidence standard"). But many courts have held that the critical questions of the sufficiency of an expert's basis, and the application of the expert's methodology, are questions of weight and not admissibility. These rulings are an incorrect application of Rules 702 and 104(a).

There is no intent to raise any negative inference regarding the applicability of the Rule 104(a) standard of proof for other rules. The Committee concluded that emphasizing the preponderance standard in Rule 702 specifically was made necessary by the courts that have failed to apply correctly the reliability requirements of that rule. Nor does the rule require that the court make a finding of reliability in the absence of objection.

The amendment clarifies that the preponderance standard applies to the three reliability-based requirements added in 2000—requirements that many courts have incorrectly determined to be governed by the more permissive Rule 104(b) standard. But it remains the case that other admissibility requirements in the rule (such as that the expert must be qualified and the expert's testimony must help the trier of fact) are governed by the Rule 104(a) standard as well.

Some challenges to expert testimony will raise matters of weight rather than admissibility even under the Rule 104(a) standard. For example, if the court finds it more likely than not that an expert has a sufficient basis to support an opinion, the fact that the expert has not read every single study that exists may raise a question of weight and not admissibility. But this does not mean, as certain courts have held, that arguments about the sufficiency of an expert's basis always go to weight and not admissibility. Rather it means that once the court has found it more likely than not that the admissibility requirement has been met, any attack by the opponent will go only to the weight of the evidence.

It will often occur that experts come to different conclusions based on contested sets of facts. Where that is so, the Rule 104(a) standard does not necessarily require exclusion of either side's experts. Rather, by deciding the disputed facts, the jury can decide which side's experts to credit. "[P]roponents 'do not have to demonstrate to the judge by a preponderance of the evidence that the assessments of their experts are correct, they only have to demonstrate by a preponderance of evidence that their opinions are reliable. . . . The evidentiary requirement of reliability is lower than the merits standard of correctness.'" Committee Note to the 2000 amendment to Rule 702, quoting *In re Paoli R.R. Yard PCB Litig.*, 35 F.3d 717, 744 (3d Cir. 1994).

Rule 702 requires that the expert's knowledge "help" the trier of fact to understand the evidence or to determine a fact in issue. Unfortunately, some courts have required the expert's testimony to "appreciably help" the trier of fact. Applying a higher standard than helpfulness to otherwise reliable expert testimony is unnecessarily strict.

(2) Rule 702(d) has also been amended to emphasize that each expert opinion must stay within the bounds of what can be concluded from a reliable application of the expert's basis and methodology. Judicial gatekeeping is essential because just as jurors may be unable, due to lack of specialized knowledge, to evaluate meaningfully the reliability of scientific and other methods underlying expert opinion, jurors may also lack the specialized knowledge to determine whether the conclusions of an expert go beyond what the expert's basis and methodology may reliably support.

The amendment is especially pertinent to the testimony of forensic experts in both criminal and civil cases. Forensic experts should avoid assertions of absolute or one hundred percent certainty—or to a reasonable degree of scientific certainty—if the methodology is subjective and thus potentially subject to error. In deciding whether to admit forensic expert testimony, the judge should (where possible) receive an estimate of the known or potential rate of error of the methodology employed, based (where appropriate) on studies that reflect how often the method produces accurate results. Expert opinion testimony regarding the weight of feature comparison evidence (i.e., evidence that a set of features corresponds between two examined items) must be limited to those inferences that can reasonably be drawn from a reliable application of the principles and methods. This amendment does not, however, bar testimony that comports with substantive law requiring opinions to a particular degree of certainty.

Nothing in the amendment imposes any new, specific procedures. Rather, the amendment is simply intended to clarify that Rule 104(a)'s requirement applies to expert opinions under Rule 702. Similarly, nothing in the amendment requires the court to nitpick an expert's opinion in order to reach a perfect expression of what the basis and methodology can support. The Rule 104(a) standard does not require perfection. On the other hand, it does not permit the expert to make claims that are unsupported by the expert's basis and methodology.

Changes Made After Publication and Comment

In response to the public comment expressing concern about the reference to proof by a preponderance of the evidence, the text was changed to require the proponent to demonstrate to the court that it is "more likely than not" that the reliability requirements of Rule 702 have been met.

The text was changed to emphasize that the more likely than not showing is made to the court.

The committee note was altered to account for the changes made to the text. In addition, a sentence was added to the Note to emphasize that the rule does not require the court to make a finding of reliability in the absence of an objection. Certain stylistic improvements were also made. Finally, a paragraph in the committee note addressing the need for the gatekeeping function under subdivision (d) was altered slightly to explain more specifically why gatekeeping is necessary.

Other commentary on the clarification of rule 702 can be found at the two links below, one written by the Federalist Society, and the other by two attorneys from the Boston Law Firm of Nutter, MacLennan and Fish.

https://www.jdsupra.com/legalnews/cracking-down-on-junk-science-judicial-9151044/

https://fedsoc.org/commentary/fedsoc-blog/federal-judiciary-s-standing-committee-approves-changes-to-federal-rules-of-evidence-including-rule-702-governing-expert-testimony

Scientific Protocols for Fire Investigation, Third Edition Recognized as One of the Best Forensic Science Books of All Time!

I'm pleased to announce that my book, "***Scientific Protocols for Fire Investigation***, Third Edition (Protocols in Forensic Science)," made it onto

BookAuthority's Best Forensic Science Books of All Time

Reviews of the Third Edition from Amazon.com

Dr. Craig Beyler:

A Must-Read Book for All Fire and Explosion Investigators

Scientific Protocols for Fire Investigation is a must-read for every fire and explosion investigator. John Lentini is an experienced and highly regarded fire investigator and chemist. Importantly, he is also a great writer. His use of a combination of direct explanation and case studies is very effective. Through this approach, he keeps the reader's attention and brings points home more than once. His approach to writing allows the reader to think they discovered the concepts he amplifies through case studies, firmly cementing the concepts for the reader. It's a book you will keep on your desktop.

Steve Carman:

A Must Have (and Must Read) for Fire Investigators

The 3rd edition of ***Scientific Protocols for Fire Investigation*** is most certainly a book that professional fire investigators and those seeking a more complete understanding of the science of fire investigation should have in their library. John Lentini has presented an up-to-date digest of the science and practices at the center of our profession. In recent years, the importance of understanding the role of ventilation in structure fires has gained much attention. In this book John offers readers an easy-to-read synopsis of this science and an explanation of how and why it must be at the forefront of every investigator's mind particularly when investigating fully involved structure fires.

The advancement of NFPA 921 in the last twenty years has moved our profession in a positive direction. This book takes that progression even further towards an even more thorough approach to the practice of this important forensic science.

Steve Riggs:

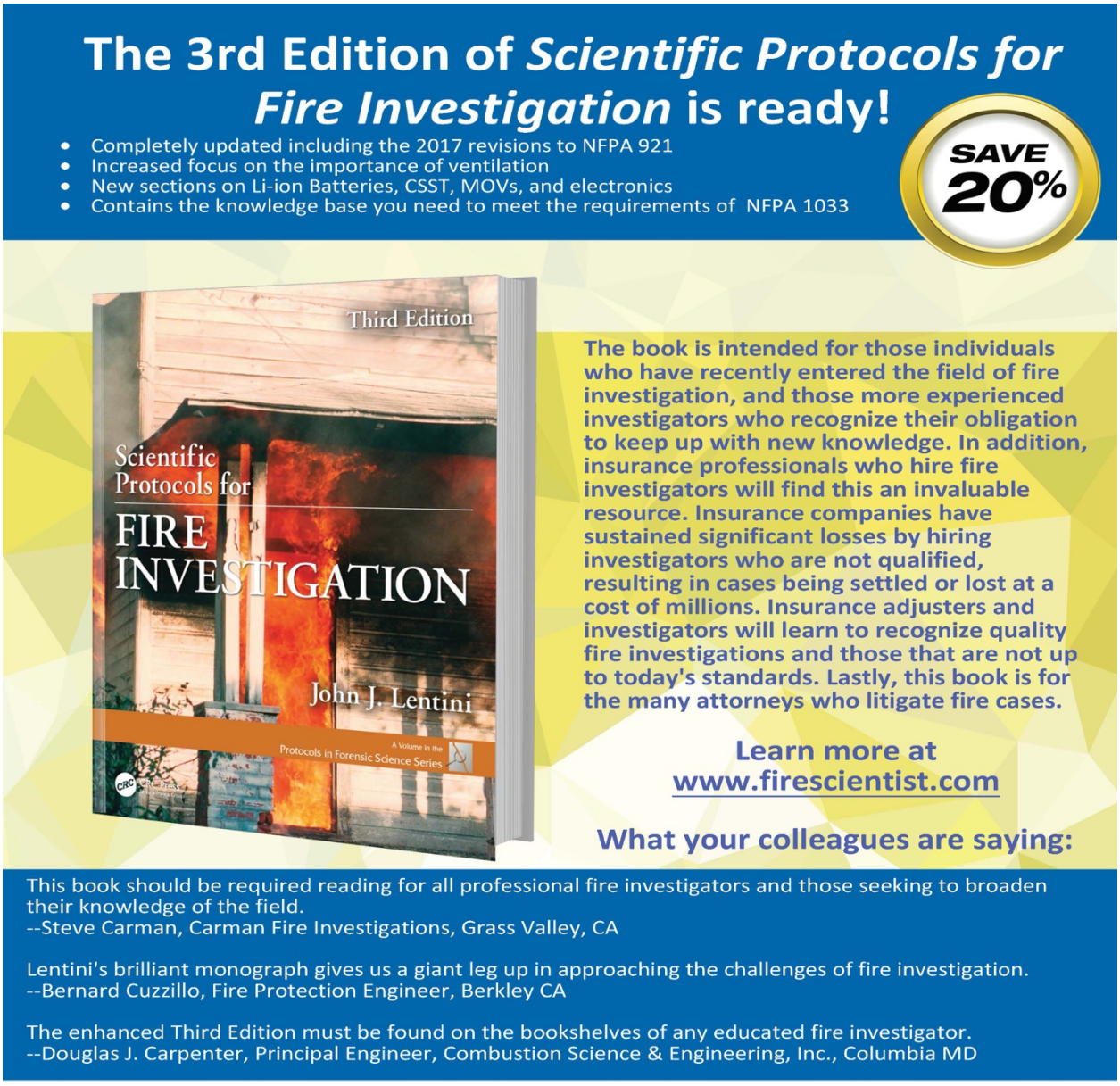
Best Edition Yet

I would highly recommend this edition to anyone who wants to expand their knowledge in the area of fire investigations. I have the first and second editions, but this edition is absolutely the best of all. This is a great edition to add to your personal library.

Wayne Chapdelaine:

A Must Have Book in Every Fire Investigators Library

Scientific Protocols for Fire Investigation is a text that all professional fire investigators must read.



The Fire Fighter's Bookstore is offering a 20% discount off the publisher's list price. ($79.16 + shipping). Go to:

https://www.firebooks.com/products/scientific-protocols-for-fire-investigation-3rd-edition?_pos=8&_sid=3b6cfbbf2&_ss=r