

PHOTOS

ESTABLISH that the witness has personal knowledge of what will be depicted in the photo.

Attorney: *Officer Jones, did you respond to the scene of the crime that evening?*

Witness: *I did.*

Attorney: *Did you see the victim's body at that scene?*

Witness: *I did.*

REFER opposing counsel to the photo.

Attorney: *Counsel, I refer you to what has previously been marked as Exhibit 1.*

ASK permission to approach the witness.

Attorney: *Your Honor may I approach the witness?*

Court: *You may.*

VERIFY that the witness can identify what is depicted in the photograph.

Attorney: *Officer, I'm showing you exhibit 1. Do you recognize what is depicted in this photo?*

Witness: *Yes.*

ESTABLISH what is being depicted.

Attorney: *What does this photograph depict?*

Witness: *This photo shows the victim's body and the location of the body at the scene of the crime.*

ESTABLISH accuracy and fairness of depiction.

Attorney: *Officer, does this photograph fairly and accurately depict the location of the victim's body as you saw it that evening?*

Witness: *Yes, it does.*

ESTABLISH that photo is true.

Attorney: *Officer, to your knowledge, has this photograph been altered in any way?*

Witness: *No, it does not appear to have been altered or changed in any way.*

MOVE the photo into evidence.

July 15, 2015 Wisconsin Department of Justice -
Continuing Legal Education Seminar -
Technology in the Courtroom: What is Available
and How Can We Use it Effectively? Referred to
by Sandra Esrael, J.D., NARA Annual Licensing
Conference, September 21-23, 2015