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# Prosecuting Government Fraud Despite the CSI Effect: Getting the Jury to Follow the Money

James B Johnston, *Seton Hall University*

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PROSECUTING GOVERNMENT FRAUD DESPITE THE "CSI EFFECT": GETTING THE JURY TO FOLLOW THE MONEY

**NAME:** JAMES B. JOHNSTON*

**BIO:** * B.S., M.A., J.D. Seton Hall University. Admitted to the New Jersey Bar in 1996. Lieutenant of Prosecutor's Detectives for the Essex County Prosecutor's Office in Newark, New Jersey. Lieutenant Johnston has investigated and helped prosecute various crimes including police corruption, government corruption, fraud, murder, organized crime, money laundering, and narcotics trafficking. Adjunct Professor of Law, Seton Hall University School of Law. He has taught criminal trial advocacy at Seton Hall since 2001, and has published in the areas of white collar crime, criminal law, and constitutional law. The remarks and contents of this article are those of the author alone and do not necessarily represent the views of Seton Hall University, the Essex County Prosecutor's Office, or any other public or private entity.

**SUMMARY:**
... Before we begin our discussion on the impact that the "CSI Effect" has had on investigating and prosecuting government fraud, I would like to tell you a little about where I work. ... You might ask yourself what do homicides in Essex County have to do with our discussion on the CSI Effect and government fraud? ... While there was no scientific forensics at issue, such as DNA samples or fingerprint analysis, our financial evidence consisted of bank records, government documents, corporate records, and other financial records. ... I can tell you that in all the years I have investigated money laundering, theft, government graft, and other financial crimes, I have never, ever, heard of a fingerprint impression having been taken off of a piece of document evidence for a fraud case. ... If investigating the contents of dry documents is tedious for one who is paid to conduct financial investigations, one can only imagine how much difficulty a juror, who has no background in financial investigations, may have during deliberations. ... Government fraud by its very nature provides opportunities for corrupt public officials, money launderers, organized crime rings, and fraud groups to infiltrate public service operations by obtaining taxpayer money through deceit. ... For a government fraud scheme to succeed, there must be at least some level of self-dealing in that an employee or associate of the government agency that is being defrauded must cooperate with the other participants for the plan to succeed. ... Visual aids are an important part of persuasive trial advocacy, especially when prosecuting government fraud through the use of financial documents. ... Nonetheless, if there is even a potential CSI Effect among jurors, the law enforcement professionals charged with the obligation of investigating and prosecuting a case must address the issue when planning and implementing their trial strategy.

**TEXT:**
[*563]

Introduction

Good morning and thank you for inviting me to speak here today. I am grateful to the men and women of the New England Law Review for their gracious hospitality. Before we begin our discussion on the impact that the "CSI Effect" n1 has had on investigating and prosecuting government fraud, I would like to tell you a little about where I work.

I am a supervisor within the investigative staff at the Essex County Prosecutor's Office in Newark, New Jersey. Essex County is an exciting place filled with culture, diversity, theaters, and shops. Some of our [*564] nation's most beautiful parks are in Essex County. Fine schools and colleges are plentiful. Many major companies listed in the Fortune 500 call Essex County their home.

Unfortunately, there is a downside to life in Essex County. Essex County has the highest homicide rate in New Jersey. n2 Fueled by the illegal drug trade and street-gang activities, our annual homicide rates are often in the triple digits. n3 The agony and heartache for family members of Essex County's homicide victims is immeasurable.

You might ask yourself what do homicides in Essex County have to do with our discussion on the CSI Effect and government fraud? In January of 2006, the Star-Ledger, New Jersey's largest news publication, ran a series of articles regarding the Crime Scene Unit at the Essex County Prosecutor's Office. n4 The portrait of our Crime Scene Unit was not at all complimentary. n5 In fact, it was the polar opposite of anything portrayed on CSI.

For example, do you notice how the buildings on CSI are beautiful, state-of-the-art facilities? Well, our Crime Scene Unit is housed in a garage. n6 The only running water in the building is in the bathroom sink. n7 During the winter, Crime Scene Unit staff must bring in portable heaters to keep warm. n8 I can tell you from my own experience that during the summer [*565] months, the heat in our Crime Scene Unit is ungodly.

The detectives assigned to the Crime Scene Unit are overworked and usually exhausted. n9 For homicides and other crimes of violence, they must rush from one crime scene to another in order to professionally gather important evidence. n10 They work very hard. I have a lot of respect for the men and women who work in our Crime Scene Unit.

Unfortunately, despite the fact that Essex County has one of the highest homicide rates in the country, our conviction rates have been sub-par. n11 One reason for the low conviction rate, according to the Star-Ledger, is the lackluster performance of our Crime Scene Unit. n12 This was the first time I had ever heard of the CSI Effect.

The writers of the articles found that due to jurors' expectations from watching the famous television show, they will not convict because they expect the quality of investigative work they see on television. n13 Since they do not get the same high quality of forensic work, they acquit the defendant. n14

What makes this especially interesting is that the Star-Ledger quoted some of the most well-respected criminal defense attorneys in New [*566] Jersey. n15 They all admitted that when planning their litigation strategy, they do so with the CSI Effect in mind. n16 This was especially interesting since it is not every day that criminal defense attorneys provide any insight into their planning and trial tactics.

When the articles were published, my colleagues and I were preparing for a major trial involving several corrupt government employees in Essex County who laundered almost one hundred thousand dollars in taxpayer funds, which they had stolen from their employer. I could not help but ask myself whether the Star-Ledger's claims regarding the CSI Effect could potentially be an issue for our jury. While there was no scientific forensics at issue, such as DNA samples or fingerprint analysis, our financial evidence consisted of bank records, government documents, corporate records, and other financial records.

I was concerned that due to the voluminous amount of paper evidence in the case, we could overwhelm the jury with information. I was concerned that if we just threw all of our paper evidence at the jury in a disorganized, undisciplined manner, they could become confused, and we could lose at trial.

Prosecutors have complained that jurors who think they are educated in crime scene investigations by watching television have made it difficult to prove cases even when the charge is a white-collar crime because they expect the type of forensics they see on CSI. In 2005, U.S. Attorney Alice Martin complained about the CSI Effect, when the CEO of HealthSouth Corporation, Richard Scrushy was acquitted of securities fraud. n17 Jurors said they wanted to see his fingerprints on the document evidence. n18 I can tell you that in all the years I have investigated money laundering, theft, government graft, and other financial crimes, I have never, ever, heard of a fingerprint impression having been taken off of a piece of document evidence for a fraud case. If the allegation against those jurors is accurate, it is not difficult to comprehend that perhaps other jurors in other states may want the same thing. In other words, they may want the impossible.

Most episodes of CSI that I have watched involve crimes that are violent and sometimes even gruesome. However, instead of using a gun, a knife, or blood samples to prove the prosecution's case, prosecutors in government fraud litigation use dry and sometimes even dull evidence like bank statements, invoices, and checks. If investigating the contents of dry [*567] documents is tedious for one who is paid to conduct financial investigations, one can only imagine how much difficulty a juror, who has no background in financial investigations, may have during deliberations. Sifting through countless pages of financial documents is not fun. It involves a lot of effort and organizational skills.

I. Investigating and Prosecuting Government Fraud

A. The Evil of Government Fraud

Government fraud comes in many shapes and sizes. It includes unlawful acts like: bribery, identity theft, forgery, using taxpayer money for personal expenses, money laundering, and document fraud. n19 The cost of government fraud to the American taxpayer is staggering.

Government fraud by its very nature provides opportunities for corrupt public officials, money launderers, organized crime rings, and fraud groups to infiltrate public service operations by obtaining taxpayer money through deceit. n20 The schemes that are implemented by those who participate in government fraud, while sometimes sophisticated, are surprisingly simple. Investigating and prosecuting such schemes requires patience, organization, and a coordinated plan of attack to accomplish one thing: Follow the money. Unless one has an electronic recording device that provides verbal footage of the participants' plan, the one surefire way to obtain evidence of their fraud scheme is to follow the financial transactions that allow them to obtain and enjoy the fruits of the taxpayer money they stole.

Those who are involved in government fraud are generally a resourceful bunch. n21 They are not stupid. They want to obtain the financial benefits of their fraud without getting caught by the prying eyes of law enforcement. n22 They launder or clean the fraud-linked money so they can [*568] succeed in their criminal ventures without being brought to justice. n23 For a government fraud scheme to succeed, there must be at least some level of self-dealing in that an employee or associate of the government agency that is being defrauded must cooperate with the other participants for the plan to succeed. n24

There is normally a fair amount of attempts by the perpetrators to insulate themselves from the fraud and conceal their identities. n25 Thus, in addition to government fraud, the perpetrators are almost always involved in the crime of money laundering. n26 They do this by using a variety of strategies including identity-theft scams, shell companies, and using the names of friends or relatives as fronts. n27

I have investigated government fraud for thirteen out of my twenty years in law enforcement. I can tell you with near certainty that once you succeed in following the money, you are guaranteed to be near those who control and implement the government fraud activities. n28 Once one can ascertain the legitimate identities of the players, it will be a matter of time before the group's operations are dismantled. n29

The importance in following the money cannot be overemphasized. Whether the case is a simple bank fraud case or a complicated money laundering scheme, when one follows the money, you will eventually ascertain who is the major player in the fraud. n30

B. The Fundamentals: Follow the Money

No matter how complex a government fraud case may be, each investigation and subsequent trial have the same common denominator. [*569] The prosecutor simply must get the trier of fact to follow the money. Whether the audience is a grand jury, petit jury, or a judge during a bench trial, the prosecutor must provide the audience with a simple, organized, step-by-step approach, making it easy to follow the stolen money from its origination (when the money was initially defrauded from the government entity) to its destination.

Doing so is easier said than done however. One must very often sift through hundreds, and sometimes even thousands, of pages of financial records. Government fraud investigations can be time consuming and downright tedious. The records themselves can be relatively dry. It is akin to putting pieces of a puzzle together. The benefit to following the money is that once the puzzle is assembled, the evidence against the individuals involved in the fraud is often quite compelling. While individual witnesses may lie, recant, or just plain bungle their testimony, paper evidence is what it is.

Thus, while preparing a fraud case can be monotonous during the pre-trial stages, the benefit is that the paper trail of evidence documenting the fraud can provide compelling and convincing confirmation of the fraud, even before the first witness is called. Following the money is therefore not an option when investigating and prosecuting a government fraud case - it is a requirement. Since the prosecution has the burden of proving each element of the fraud beyond a reasonable doubt, it is necessary to get the jury to accompany the prosecution on a journey down the money trail that leads to the defendant. n31

C. Presenting the Financial Case: Simplicity Is Power

For the prosecutor that is litigating a government fraud case, the challenge is to present the case to a jury in a simple, polished, and well-organized fashion. Even investigations that took several years to complete must be presented in its

simplest form to the jury without minimizing the case's significance. It is not enough, however, to just tell the jury to follow the money. In the age of instant gratification, the internet, and of course CSI, the prosecutor must show jurors how to follow the money.

If the prosecutor merely throws all of the financial documents at the jury and expects the jurors to sift through the documents in the same manner that his or her investigators did, then the prosecutor is simply fooling himself or herself because the jury will become confused. n32 Think for a moment of what goes in a crowded jury room. If a financial document is handed from one juror to another, their attention to that document can [*570] develop into scattered concentration spans. n33 For the prosecutor, allowing this to happen can be deadly. If the jurors do not have a crystal clear command of the facts of the case, the prosecutor risks a very quick acquittal due to his failure to simplify the process of getting the jurors to follow the money. The simplest and least expensive way to accomplish this is through the use of visual aids like PowerPoint or charts. n34

Visual aids are an important part of persuasive trial advocacy, especially when prosecuting government fraud through the use of financial documents. n35 They provide the prosecutor with the opportunity to take the financial evidence and literally bring the government fraud to life in the courtroom. Following the money with visual aids highlights the magnitude of the document. n36

In addition, the prosecutor can review the particulars that are relevant to the case. n37 By using enlargements of the financial evidence and linking it to the fraud scheme, the prosecutor can bring the jurors' collective attention to focus on the same area of the document that provides evidence of the fraud. n38

Merely enlarging the financial evidence on a chart, however, is not enough. n39 Even paper evidence does not speak for itself. n40 The prosecutor must crystallize the meaning of the documents to all of the jurors. n41 He or she must link each financial document to show the jury the fraud that has [*571] been alleged in the indictment. n42

Please excuse the following metaphor. When I was a child, there were cartoons that encouraged you to follow the bouncing ball when singing a song. I certainly do not suggest that singing is an effective trial strategy. However, the same dynamics exist when prosecuting government fraud. Instead of convincing television viewers to follow the bouncing ball, the goal is to get the jurors to follow the money.

Combining the art of trial advocacy with electronic and paper visual aids has become a significant part of the prosecutor's trial strategy thanks to the CSI Effect. However, merely having the paper evidence in your back pocket will not suffice unless the prosecutor clearly defines the papers' relevance to the crime that is alleged in the indictment. n43

While the emphasis in this article has been on government fraud, the same principles can apply to other types of fraud like bank fraud, corporate fraud, or insurance fraud. Following the money is as paramount to these other financial crimes as they are in the investigation and prosecution of government fraud.

Overcoming the participants' attempts to conceal themselves from the fraud must be an integral part of the initial investigation. n44 Their attempts to hide their identities can provide evidence of the level of deceit used by the participants. n45 At the end of the day, evidence of the deceit when properly shown to a jury through visual aids is extremely powerful. It has been my experience that jurors, and for that matter the public in general, do not want to see deceit of any kind in government operations.

Even if one is prosecuting a murder indictment, one can still implement a financial strategy to provide the jury with evidence of motive and intent. This is especially true for homicide cases where the motive of the killer is money. n46

Conclusion

There are many credible individuals who will attest to the existence of the CSI Effect in the courtroom. n47 Alternatively, there are many [*572] accomplished professionals with impressive credentials who argue there is no such thing. n48 I cannot conclusively say that there is or is not a CSI Effect with one hundred percent certainty.

However, since the prosecution, not the defense, bears the burden of proving its case beyond a reasonable doubt, n49 ignoring its potential impact on a jury pool would be like hiding your head in the sand. The very fact that defense lawyers freely admit to implementing a trial strategy that addresses the issue of the CSI Effect speaks volumes of its potential for compromising a jury verdict. n50

The law enforcement profession simply cannot wait until CSI is off the air before we adjust to its potential impact during a criminal trial. CSI is not the first product of Hollywood to have an impact on the American justice system, and

I venture a guess that it will probably not be the last. I discovered the now famous Miranda warning while watching Sergeant Joe Friday on the 1960s Dragnet series when I was a child. I am sure that many in our audience can cite other shows like Colombo, Kojack, or even Barney Miller that may have affected their perception of police work and the criminal justice system.

Nonetheless, if there is even a potential CSI Effect among jurors, the law enforcement professionals charged with the obligation of investigating and prosecuting a case must address the issue when planning and implementing their trial strategy. n51 Whether the nature of the crime is financial, like government fraud, or a crime of violence, like murder, is irrelevant.

[*573] Public corruption crimes can have a huge impact on society. They generate distrust among the American citizenry, waste taxpayer money, and drain limited resources from worthy government programs. n52 If we as a society are serious about combating government fraud, the law enforcement response must be decisive, disciplined, competent, and above all fair.

There must be a team effort between the prosecutors and detectives during the investigation and during trial. Prosecutors and detectives must work side by side as partners to prepare their case and to convince the jury to follow the money trail documenting the crime in a lawful, powerful, and effective manner.

There is no guarantee that getting the jury to follow the crime-linked money in a government fraud case will automatically bring the defendant to justice. Prosecutors should not short circuit other pre-trial steps just because they believe in their ability to get the jury to follow the money. The more traditional means of trial preparation like witness interviews and rehearsing your presentation with colleagues are still important steps when preparing to present a competent and fair government fraud prosecution. However, failing to get the jury to follow the money that was stolen by fraud will almost surely guarantee that the perpetrator and justice will never meet when the jury renders its verdict.

This follow the money discussion merits mention of our nation's largest and most well-known government fraud case: the Watergate scandal. The cover-up involving the break in at the election headquarters of then presidential candidate George McGovern at the Watergate Hotel in Washington, D.C. was quite possibly one of our nation's most disgraceful examples of the evils of government fraud. It toppled an American President and resulted in many of his closest allies going to prison.

Bob Woodward, the Washington Post writer who broke the Watergate cover-up story, asked his informant, identified as "Deep Throat," how he could confirm the top secret information that was being provided for publication in his newspaper. n53 "Deep Throat" told Woodward to "follow the money." n54 "Deep Throat's" n55 advice was sound.

However, that was in the 1970s. Now, in the age of CSI, it is not [*574] enough to merely tell the jury to follow the money when prosecuting government fraud. Those in the law enforcement profession, both prosecutors and detectives, must also show the jury how to follow the money. If the jurors want the CSI look, even in government fraud cases, the prosecution is well advised to lawfully provide them with what they want. n56

**Legal Topics:**

For related research and practice materials, see the following legal topics:
Banking LawCriminal OffensesMoney LaunderingBanking LawCriminal OffensesSchemes to DefraudGeneral OverviewCopyright LawForeign & International ProtectionsGeneral Overview

**FOOTNOTES:**

n1. For a detailed analysis of the CSI Effect, see Simon A. Cole & Rachel Dioso-Villa, CSI and Its Effects: Media, Juries, and the Burden of Proof, *41 New Eng. L. Rev. 435, 447-54 (2007).*

n2. William Kleinknecht & Jonathan Schuppe, Getting Away with Murder, Star-Ledger (N.J.), Jan. 29, 2006, at 1 ("In Essex, the 637 homicides in 1998-2003 dwarfed the second highest total in the state for that period, 229 in Camden County.").

n3. Id. ("Police and prosecutors blame rising gang violence, a changing inner-city culture, tight budgets and the proliferation of guns."). In 2005 there were 146 homicides in Essex County. Id.

n4. See, e.g., id.; William Kleinknecht & Jonathan Schuppe, An Airtight Case Leaks: Despite Confession and Videotape, the Prosecution Drops the Ball, Star-Ledger (N.J.), Jan. 31, 2006, at 1; Jonathan Schuppe & William Kleinknecht, Evidence of a Crisis: Long Hours and Sloppy Errors Plague Crime Scene Unit, Star-Ledger (N.J.), Jan. 30, 2006, at 1 [hereinafter Schuppe & Kleinknecht, Evidence of a Crisis].

n5. See Kleinknecht & Schuppe, supra note 2 ("Murder scenes across the 126-square-mile county are examined by the prosecutor's Crime Scene Unit, a small group of investigators so overworked they frequently miss basic items like fingerprints, blood and hair ... .").

n6. Id. (discussing the fact that the Crime Scene Unit at the Essex County Prosecutor's Office is a "converted parking garage").

n7. Id. ("The only running water is in the bathroom, which doubles as an evidence-processing unit.").

n8. See Schuppe & Kleinknecht, Evidence of a Crisis, supra note 4 ("The electrical circuits blow out regularly. In winter, investigators rely on space heaters to keep warm."). On Oct. 23, 2006, the Essex County Prosecutor's Office opened its new state-of-the-art Crime Scene Unit located in Orange, New Jersey. William Kleinknecht, High-Tech Crime Fighters: Essex County Unveils Its New State-of-the-Art Building for Investigations, Star-Ledger (N.J.), Oct. 24, 2006, at 13.

Instead of scribbling crime scene diagrams on pieces of paper, Essex County investigators will now re-create murders, rapes and fatal car accidents in 3-D computer simulations ... . Essex County, which has long had one of the most poorly equipped crime scene units in the state, yesterday unveiled one of the best - a 15,000-square-foot facility in Orange brimming with enough high-tech equipment to outfit an episode of "CSI."

Id. (emphasis added).

n9. See Schuppe & Kleinknecht, Evidence of a Crisis, supra note 4 ("During the week, investigators sprint from crime scene to autopsy to witness stand, just trying to keep up.").

n10. Id.

n11. See infra note 12 and accompanying text.

n12. See Schuppe & Kleinknecht, Evidence of a Crisis, supra note 4 ("In this real-life hunt for a killer, the ill-equipped and overworked crime-scene investigator sometimes misses potential evidence, forgets to test evidence, or misplaces evidence. Lawyers and law enforcement officials say these failures often are why murderers in Essex County go unpunished more often than they are sent to prison ... .").

n13. See id. ("Any misstep in collecting, preparing or presenting evidence for a trial, lawyers said, can be crippling to the prosecution because juries, in what's known as "the CSI effect,' expect things to work the way they do on television.").

n14. See id. (""When law enforcement is not careful to look for every piece of evidence when someone is facing 30 years to life, jurors are willing to give that person the benefit of the doubt,' said Newark attorney Paul

Bergrin, who has successfully represented many murder defendants. "The jurors seem to be interested in scientific testing, and they expect investigators to do a proper job.'").

n15. See id.

n16. See id.

n17. See Posting of Peter J. Henning to White Collar Crime Prof Blog to http://lawprofessors.typepad.com/whitecollarcrime blog/2005/09/the csi effect .html (Sept. 25, 2005, 12:00 EST).

n18. Id.

n19. See Jonathan Schuppe & John P. Martin, New Jersey's Year of Corruption and Scandal, Star-Ledger (N.J.), Jan. 2, 2005, at 1 (listing almost ninety instances of government fraud and corruption matters in New Jersey alone).

n20. See id.

n21. See, e.g., News Release, Office of the Essex County Prosecutor, Essex Jury Finds Norman Price Guilty in East Orange Fraud Case (May 16, 2006), available at http://www.njecpo.org/Press/pr 584.html (announcing the conviction of a police officer who defrauded the City of East Orange, New Jersey of over one hundred thousand dollars by setting up various fraudulent shell companies and referring city business to the shell companies).

n22. For a description of the various strategies used by money launderers, see generally James B. Johnston, An Examination of New Jersey's Money Laundering Statutes, *30 Seton Hall Legis. J. 1, 6-9 (2005).*

n23. *Id. at 6* ("When an individual raises money through a crime, he or she must use the profits in a way that will not attract the attention of law enforcement.").

n24. See, e.g., News Release, supra note 21 and accompanying text.

n25. See, e.g., News Release, Office of the Essex County Prosecutor, Former Irvington School Comptroller Pleads to Official Misconduct (May 15, 2006), available at http://www.njecpo.org/Press/pr 583.html. This news release announced the guilty plea of the former Comptroller of the City of Irvington Board of Education, who issued checks against the Board of Education to non-existent vendors. The checks were cashed by the former Comptroller's associates. The former Comptroller admitted to having pocketed over fifty thousand dollars through his scheme. See id.

n26. See Johnston, supra note 22, at 34 ("Other crimes underlying money laundering include organized crime, crimes of corruption, and even crimes of violence.").

n27. See id. at 9 ("The only limitations on the potential number of money laundering strategies are the imagination and innovation of the money launderer.").

n28. See Johnston, supra note 22, at 35.

n29. See id.

n30. See id. ("First and foremost, following the paper trail of crime-linked financial transactions almost invariably leads to the head of the unlawful enterprise.").

n31. See infra note 56 and accompanying text.

n32. See infra note 34 and accompanying text.

n33. See Deanne C. Siemer & Frank D. Rothschild, Basic PowerPoint Exhibits 101 (2003) ("When a photo is handed from one juror to another, their collective attention is scattered.").

n34. See Eric Oliver, Facts Can't Speak for Themselves: Reveal the Stories That Give Facts Their Meaning 107, 333-35 (2005); see also Siemer & Rothschild, supra note 33, at xiv ("PowerPoint is one of the relatively easy, inexpensive, widely available, and reliable software programs available to create the kinds of electronic displays that are useful at trial.").

n35. See Oliver, supra note 34, at 107-08, 333-35.

n36. See id.

n37. Id. at 108 ("Because of the summary nature of the presentation, visuals can be used to collect and summarize points that may otherwise come out in distinct parts and pieces.").

n38. See id.

n39. See Siemer & Rothschild, supra note 33, at 123 ("Bare enlargements of documents generally do not work well in a courtroom.").

n40. See Oliver, supra note 34, at 107-08 ("Visual aids will either make the participants' lives easier or more complicated, depending on how they are designed and delivered. This is true for jurors, judges, and all the decision makers.").

n41. See id. at 108 ("Be wary of the inclination to bury the group in boards or slides. This is not the most effective way ... to elicit the most open and complete responses from the people you came to hear.").

n42. See Siemer & Rothschild, supra note 33, at 109 ("The meaning of the photo may not be clear to the fact-finder without labels, arrows, and other markings that help focus the fact-finder's attention on aspects relevant to particular issues.").

n43. See Oliver, supra note 34, at 336-39 (discussing how poor delivery of visuals can undercut their effectiveness).

n44. See supra note 23 and accompanying text.

n45. See supra note 22 and accompanying text.

n46. See supra note 26 and accompanying text.

n47. See Corey Rayburn, To Catch a Sex Thief: The Burden of Performance in Rape and Sexual Assault Trials, *15 Colum. J. Gender & L. 437, 465 (2006)* ("Some scholars believe that jurors have come to expect significant forensic evidence that most lawyers are unable to deliver. Jurors expect definitive answers on many basic questions at trial. The fact that CSI and other shows are entirely fictional has not discouraged jurors from applying expectations based upon their television viewing onto real-life trials." (internal citations omitted)); see also infra note 56 and accompanying text.

n48. See Tom R. Tyler, Viewing CSI and the Threshold of Guilt: Managing Truth and Justice in Reality and Fiction, *115 Yale L.J. 1050, 1054 (2006)* ("There is no direct research evidence that watching CSI has changed juror standards of reasonable doubt. And even "prosecutors are split as to whether there is a CSI Effect.'" (internal citations omitted)).

n49. See, e.g., *State v. Anderson, 603 A.2d 928, 932-33 (N.J. 1992);* see also James B. Johnston, Implementing New Jersey's Anti-Terrorism Laws to Prevent Terrorist Financing: A Statutory Analysis of the "Material Support or Resources" Provisions of the September 11, 2001 Anti-Terrorism Act and the "Freezing Funds and Assets Related to Terrorism" Legislation in the New Jersey Criminal Code, *29 Seton Hall Legis. J. 85, 124 (2004).*

n50. See supra notes 13-14 and accompanying text (discussing the importance of using forensic evidence as part of trial strategy).

n51. See infra note 56 and accompanying text.

n52. See, e.g., supra notes 21-25 and accompanying text (discussing strategies used by those defrauding the government).

n53. See David Von Drehle, FBI's No. 2 Was Deep Throat, Wash. Post, June 1, 2005, at A01, available at http://www.washingtonpost.com/wp-dyn/content/article/2005/05/ 31/AR2005053100655.html.

n54. MSNBC.com, Ex-FBI Official: I'm "Deep Throat,' June 1, 2005, MSNBC, http:// www.msnbc.msn.com/id/8047258.

n55. "Deep Throat" was later identified as senior FBI supervisor Mark Felt. See Von Drehle, supra note 53.

n56. See Maricopa County Atty's Office, The CSI Effect and Its Real-Life Impact on Justice 2 (2005), available at http://www.maricopacountyattorney.org/Press/PDF/CSIReport.pdf. ("With a national audience of over twelve million per episode, "CSI' will remain a substantial influence on American criminal justice through its impact on potential jurors.").

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