

Chapter 19: Experts and opinion evidence

The general rule and the two exceptions

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In *R v Moore* [2017] EWCA Crim 1304 the Court of Appeal considered the admissibility of graphic 3D reconstructions to reproduce the scene of the crime and to demonstrate a witness' line of sight in support of an expert's opinion that the witness could not have seen what he claimed to have seen. It was held that whether such reconstruction evidence can assist should be decided on a case-by-case basis but will be inadmissible in the absence of sufficiently reliable and precise factual foundations. In *R v Moore* itself, the evidence could only have been assistance if a large number of variables relating to such matters as the location of the witness, the accused, and things potentially obstructing the witness' line of sight had been pinpointed accurately to the exclusion of all other possibilities. This had not been done and therefore the evidence was of no probative value at all. Cf *R v Metcalfe* [2016] 2 Cr App R 297 (21), considered in **Chapter 2**.