

Douglass Defense Services

Newsletter for August 4, 2016

Condensing Video Evidence to Achieve Best Results at Trial!

Please note below actual events illustrating the advantages of preparing professional “Designations of Evidence” from your subrosa video evidence.

Recent Case Scenario:

At trial, Defense Counsel asked to place one of our “condensed” video exhibits into evidence in lieu of the original 18 hours exposed by the surveillance investigators. Of course, Applicant’s Attorney strenuously objected on the grounds that the exhibit would be self-serving and omit activity probative of the claimant’s allegations. Judge Sharon Velzy of the Van Nuys WCAB adamantly rejected the argument: “There is no way that I am going to review 18 hours of video. I am only going to watch what both of you want me to see.” The Judge qualified her order with the following provisos: A) the subrosa investigators would testify for foundational purposes, B) the person who prepared the “condensed” video exhibit would testify about the process, C) the date and time stamp must be visible at all times. Accordingly, Applicant’s Attorney had an equal opportunity to prepare a video exhibit for the Judge.

On another occasion, Riverside WCAB Presiding Judge Elena Jackson ordered Applicant’s Attorney to view both the “condensed” and original video and report the next day whether he would continue to insist upon admitting the original. The Attorney reluctantly chose our “condensed” version to avoid aggravating the Judge. **Case by case, these video exhibits produce good results by allowing a more professional presentation of evidence while significantly saving on time and expense.**

For foundational purposes, we provide a formal declaration signed under penalty of perjury which includes the names of the investigators, the length of the original video, the length of the “condensed” video and a precise description of the process. The next two paragraphs came from our formal declaration on an actual case.

“David Douglass of Douglass Defense Services repetitively and very carefully reviewed all available video evidence on the ‘John Jones vs City of Xxxxx’ matter and thereafter compiled, edited and audited the condensed Video Exhibit for precise detail. Our office received a total of 6 video discs from ‘Ace Investigations,’ and the undersigned copied all segments of the video into our iMac graphics computer in MPEG video format. Using Adobe Premier software, the undersigned deleted any scenes or sections not of evidentiary value to reduce the original running time of 9 hours, 18 minutes and 5 seconds (09:18:05) to 2 hours, 30 minutes and 34 seconds (02:30:34). This represents a fair and objective cross-section of the activity undertaken by ‘John Jones’ on the dates specified above. The scenes and sections removed include the following: A) periods during which the nature of the activity cannot be determined, B) the claimant not visible, C) any prolonged periods of inactivity such as driving long distances on the freeway. The undersigned did not remove or edit the following: A) any exculpatory or mitigating evidence, B) any scenes or sections depicting activity indicative of pain, restriction or the use of artificial means of support, C) any entire day of video regardless of whether the claimant can be observed or identified.”

“The original video has not been altered in any way and remains available for inspection upon demand. The undersigned will provide testimony at trial and/or a declaration under penalty of perjury regarding all facets of the preparation of the condensed Video Exhibit.”



Waterskiing yesterday while under surveillance, but on crutches going to the doctor today!

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