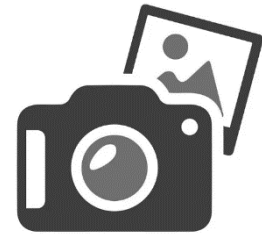




## Testifying: Photographs

If photographs of the victim are relevant and helpful to the judge or jury, the prosecutor may seek to enter them into evidence. The prosecutor will first mark the photograph as an exhibit and then will ask the clinician to authenticate the photograph. To do so, the prosecutor will ask foundational questions, i.e., prosecutors will ask the clinician if they recognize the photograph, how and by whom the photograph was taken, and whether the photograph truly and accurately depicts the injury/abnormality that they saw on the date of the exam. If magnification or alternative light sources, or other forensic photography was used, the prosecutor will ask the clinician to explain that.

Once the prosecutor asks the foundational questions, they will move the photograph into evidence. At that point, the prosecutor will ask clinician specific questions about the photographs and the significance of the injuries that are depicted. Similarly, prosecutors may ask clinicians about the absence of injury and its significance or lack thereof.



The prosecutor may also ask how injuries may have been inflicted based upon the clinician's expertise. Clinicians should prepare with prosecutors prior to testimony so that they can fully explain all the different ways that the injury could have reasonably been caused. This detailed line of questioning strategically preempts any issues the defense may raise on cross-examination.

Note that photographs of the breasts, genitals, or anus may not be presented during the proceedings to protect the privacy of the victim. Instead, prosecutors may use an illustrative drawing that allows the clinician to describe the injury, where it appears, and the significance of the location of the injury.