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Computer May Copy Hit-run Use Of Animation Would Be State 1st

December 12, 1992 | By CHARLES LUNAN, Staff Writer

Broward County prosecutors want to use computer animation to re-create a fatal hit-and-run crash in Dania -- the first such use of the technology in a Florida criminal trial.

The State Attorney's Office filed a notice last week that it wants to use computer animation to try to prove that a truck driven by Kenneth Pierce struck and killed Nicole Rae Walker, 6, as she walked near her home in west Dania on June 23.

In court documents, prosecutors said the animation would be based on evidence and expert testimony from Bruce Babcock, a deputy with the Broward Sheriff's Office Traffic Homicide Unit.

"The computer-animated diagram will graphically portray the testimony and assist the jury in understanding his testimony," court documents said.

Pierce, 53, of Davie, is charged with vehicular manslaughter in the accident, which injured two other girls. He also is charged with leaving the scene of an accident, driving with a suspended license, tampering with evidence and violation of parole.

Prosecutor Ken Padowitz, supervisor of felony trials for the State Attorney's Office, declined to discuss the case.

Circuit Judge Mark A. Speiser will decide later whether to allow use of the animation or perhaps limit it.

Computer animation uses specialized software that creates cartoonlike images of events. Similar software was used to create backdrops for the Disney movie Beauty and the Beast.

Animation is beginning to be used in courtrooms and is causing controversy. In cases outside Florida, some attorneys have said it could unfairly sway jurors by presenting as real something that is only the opinion of witnesses.

Pierce's attorney, Bo Hitchcock, is not that concerned, however. He said Pierce's defense is that he was not driving the truck that struck Walker.

"I just don't see where it's going to help or hurt," Hitchcock said of the animation. "We are not contesting what happened out there. We are just saying my client did not do it."

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Computer Animation

Computer animations have never been submitted as evidence in a criminal case in Florida and have been used in only a handful of homicide cases nationwide, experts said.

"You're certainly talking about the first two or three in the country," said David Muir, senior vice president with Forensic Technologies International of San Francisco.

Forensic Technologies has created more than 1,000 animations since 1986 for lawyers in civil cases.

"In civil trials, it's become fairly commonplace, but most criminal attorneys are not used to it," Muir said.

One noteworthy use of computer animation came in January, when prosecutors in San Francisco submitted a \$3,000 animation re-created the slaying of pornography king Artie Mitchell by his brother and business partner Jim Mitchell.

Eyewitness Animations, the Pompano Beach firm hired to re-create Walker's death, has used computer animation to re-create airline disasters for ABC's PrimeTime Live.