Virtual Pornography and How to Address It

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A graduate of Barnard College and Yale University, Judge Nancy Gertner served on the United States District Court for the District of Massachusetts from 1994-2011. Since fall 2011, she has been Professor of Practice at Harvard Law School.

Abstract

In Ashcroft v. Free Speech Coalition in 2002, the United States Supreme Court held that to obtain a conviction for possession of child pornography, the government must prove that the images on a defendant’s computer are real, rather than virtual. Judge Nancy Gertner will reflect on her decision in United States v. Frabizio in 2006 in which she found that the Daubert-Kumho standard for the admission of expert testimony was not satisfied by proposed testimony by a forensic examiner in the FBI's Forensic Audio, Video, and Image Analysis Unit that the images on a defendant’s computer were real.

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John Jay College of Criminal Justice
899 Tenth Avenue
New York, NY

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