

GEORGIA FORENSIC NEWS

The International Association for Identification, Georgia State Division's Official Quarterly Newsletter

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COMPUTERS vs. STRINGS: 2 Cases in Point By Daniel J. Rinehart, Rinehart Forensics

Abstract: This paper is to illustrate that when investigating a crime scene where the use of bloodstain pattern interpretation is needed, deciding what tools to use can be of most importance. When determining the point of origin of bloodstain patterns, a decision must be made to utilize the computer or manually string a bloody crime scene. Each has its time and place.

Case #1: A white male with a single gunshot wound to the head, back to front and through and through. Forward bloodspatter in the immediate area of the shooting with transfer and projected available in the area where the body was found. Manually stringing bloodstains within the pattern area was used in the courtroom to display the point of origin.

Case #2: A white female with a single gunshot wound in the mouth, front to back and through and through. This is an outdoor scene with multiple bloodstain patterns and multiple directions of impact spatter. The computer gave a more applicable view of multiple directions/multiple points of origin within a small area where stringing the stains would have been difficult at best.

Introduction: In Case #1, a white male was found shot in the back of the head, lower center area, with a .45 bullet exiting the top front center area of the forehead. The scene was in the bedroom of a residence with 90° bloodspatter being located on the bedroom dresser and items found on the dresser. The left second drawer of the dresser was partially pulled open with measurable bloodspatter located on a white cardboard photo frame (Figure #1).



Figure #1

After manually stringing the bloodstains on the cardboard photo frame, the point of origin (the head of the deceased) was found in such a position that the body was bent forward at the waist consistent with retrieving an item from the partially open drawer. The girlfriend of the complainant (deceased) stated that the complainant committed suicide inside the bedroom with the

door closed. Positioning the complainant became a pivotal point in the case investigation since a position inconsistent with suicide was displayed.

On top of the dresser on the left side, directly above the partially open drawer, were a white shoebox and a multicolored popcorn box. The front facings of these boxes contained bloodspatter consistent with forward spatter in and near 90°. The white cardboard photo frame was the top layer of items within the drawer with measurable stains and with bloodspatter consistent with forward spatter. After removing the white cardboard photo frame from the drawer, a void line was present allowing the item to be placed back in the drawer for reconstruction purposes (Figure #2).



Figure #2

The outside of the bedroom door, the side facing the hallway, contained projected bloodstain patterns and transfer bloodstains, and these both showed movement left to right and downward (the door open and movement from the bedroom toward the hall) where the body was found in the hallway.

The limited amount of measurable stains on the white cardboard photo frame made the use of the computer limited in
(Continued on page 4)

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President's Message

Douglas Shafer

Hello everyone. I hope each of you and your families had a good holiday and that you are ready for a new year with the IAI. I certainly look forward to serving as your president and making this an eventful year. I would like to remind you of the training that is being sponsored by our organization. In June, David Ashbaugh will be at the GBI Headquarters in Atlanta with a class on Forensic Ridgeology. The class will be taught from June 16 through June 20. The registration forms are on the website, www.gaiai.org, along with the information that you will need. You can also contact Stephen Greene at 404-469-7039. The class is limited to 25 persons, so you need to make your plans to attend as soon as possible to reserve your slot. Our next meeting is in Riverdale, Ga., at the Riverdale Police Department on March 28, 2003. I really enjoy this meeting because we are treated so well. Please make arrangements to attend. If you have any concerns or suggestions concerning the IAI, bring them to the meeting and make yourself heard. As I have said before, this is a great organization and I encourage everyone to get involved and stay involved. I look forward to seeing everyone in Riverdale on March 28. Until then, take care.

Editor's Note: Registration form for the Ridgeology class is also on page 19.

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Publication Information

The *Georgia Forensic News* is published quarterly on February 15, May 15, August 15 and November 15. Deadline for submissions is four weeks prior to publication. Submissions can be sent to the Editor at the address on the back of this newsletter. Any articles in this publication can be republished with credit given to the author. The Editor's daytime telephone number is (404) 469-7039 and e-mail address is editor@gaiai.org.

ADVERTISING

The current advertising fees are:

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- \$50 per half-page ad for four consecutive issues
- \$25 per quarter-page ad for four consecutive issues

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A reminder to all members to please forward a current e-mail address so that we can forward important information to you.

(Continued from page 1)

program ability; therefore, stringing was the method to give a visual display for the point of origin (Figure #3).

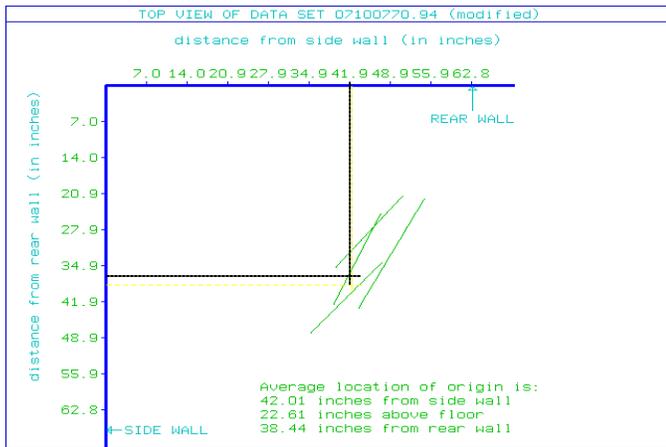


Figure #3

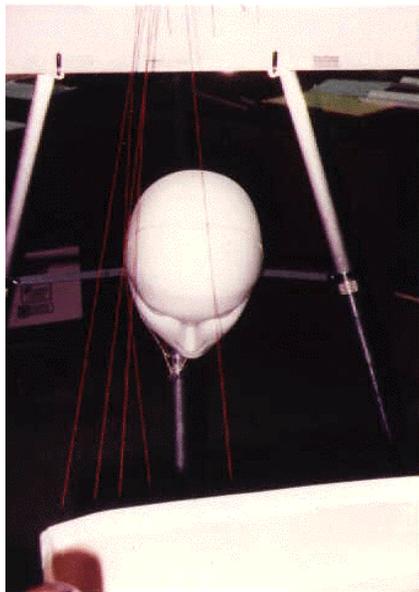


Figure #4

During the trial, the bedroom furniture was brought into the courtroom where a recreation of the stringing was done in front of the jury. After positioning the complainant, the Medical Examiner and the Firearms Examiner reinforced the bloodstain pattern testimony that I had already given (Figures #4 and #5).

The jury found the defendant guilty of murder with a sentence of ten years in the Texas Penitentiary.



Figure #5

In Case #2, the crime scene is located at an apartment complex with the scene located outside next to one of the apartment buildings. The complainant (deceased) was found on the ground with a single gunshot wound into the mouth and exiting the top rear area of the head. Located against the wall/doors next to the complainant were multiple bloodstain patterns, multiple directions/multiple points of origin and multiple blood types (Figure #6).



Figure #6

After evaluating the crime scene, an attempt to string the bloodstains was made. This immediately became difficult and it was obvious too many directions and locations within a small area would make the visualization confusing.

The computer displayed several different points of origin, all within a relatively small area where the strings appeared to be disorganized. From the computer displays, bloodstains with the same points of origin were visible and easy to view (Figure #7).

The case was ultimately ruled a suicide by the Medical Examiner's Office.

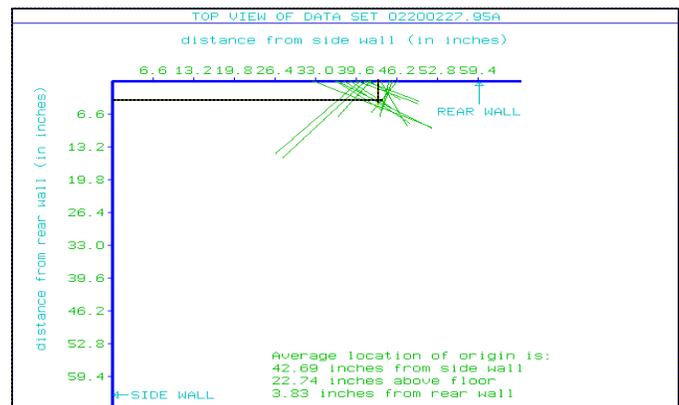


Figure #7

Discussion: The crime scene investigator needs to keep his options open and be aware of the tools available. These two cases are examples where the availability of technology and the manual use of stringing were utilized and the right tool was used for the right circumstance.

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS - PART 23**

THE PEOPLE OF THE STATE OF NEW YORK,

-v-

JAMES HYATT,

DEFENDANT,

Hon. Charles J. Hynes

By: Caryn J. Stegner, Esq.

Hillary Shaeffer, Esq. - People

Robert Zuss, Esq.,

The Legal Aid Society - Defense

DECISION & ORDER

INDICTMENT #8852/2000

HON. MICHAEL J. BRENNAN

DATED: OCTOBER 10, 2001

2001 NY 23
JULY 23
JUSTICE
11:19

On October 4, 2001, this Court conducted a Pre-Trial, "Frye Hearing", to determine whether in its discretion it would permit Dr. Simon Cole to testify as an expert witness for the defense. New York follows the legal standard of admissibility know as the Frye rule, under which scientific evidence is admissible a trial only if the procedure and results are generally accepted as reliable in the scientific community. Frye v. U.S., 54 App.D.C. 46, 293 F. 1013 People v. Wesley, 83 N.Y.2d 417, 633 N.E.2d 451, 611 N.Y.S.2d 97.

FINDINGS OF FACT

The indictment in this case charges the Defendant, James Hyatt with burglary in the second and third degree as well as several lesser charges. It is alleged by the People that on September 18, 2000, the complaining witness in this case, Eva Denes, left her residence in Brooklyn prior to 9:00 A.M. at which time the location was locked and secure. When she

returned at approximately 4:45 P.M. she observed the location to be in disarray , a rear window having been opened. Upon inspection she noticed jewelry and other personal property to be missing from her residence.

It is further alleged that latent fingerprints were lifted from a container inside the location by Police Officer Drewali Bey of the Brooklyn North Evidence Collection Team. Latent Fingerprint Technician Detective Robert Otero, of the Brooklyn Latent Fingerprint Squad matched the lifted prints with those of the Defendant which were in the N.Y.P.D.'s files. The Defendant was then arrested and charged with the crimes alleged in this indictment.

In this matter, the defense has proffered Dr. Simon Cole as an expert witness. Dr. Cole's educational background includes a Bachelor's Degree in History from Princeton, and a PHD. in Science and Technology Studies from Cornell University. His PHD. dissertation dealt with the history of fingerprinting and why people believe fingerprinting evidence. He currently is employed as a visiting professor at Cornell University. He has published a book on the subject of fingerprint evidence and several peer review and magazine articles on the subject of fingerprint evidence. He considers himself an expert in the Sociology and History of Science and Technology.

Dr. Cole's basic premise is that the scientific underpinning for the acceptance of fingerprint evidence by the court is suspect. He bases his conclusion upon a review and research into legal histories, professional literature, books, articles, field work in police labs and

discussions with defense attorneys. He cites a series of tests conducted by the CTI (Collaborative Testing Service) a private testing service from 1995 to 2001 where false positive (misidentification) rates ranged from 20% to 3%. Dr. Cole also testified concerning the National Institute of Justice's request for Grant proposals (RFP) in the area of fingerprint evidence to show that the area was suspect. He also names several college and graduate professors who agree with his premise that fingerprint comparison is not a science and of unknown reliability.

Under cross examination Dr. Cole conceded he is not a scientist in the traditional sense of the word but a historian and a social scientist. He also indicated he had not examined the actual fingerprints in this case and was aware a latent print examiner hired by the defense had examined such prints and found a match. Dr. Cole testified that he is not qualified to give an opinion on a fingerprint comparison and that his knowledge as to how latent fingerprints are examined and compared is minimal and obtained from professional literature. Dr. Cole conceded that his theories haven't been sufficiently tested to know whether they could be considered science but rather his opinion is based on scholarly research. Finally Dr. Cole admitted he has never been accepted as an expert in this area in either the State or Federal Courts and that his views were not generally accepted in the mainstream scientific community.

After Dr. Cole's testimony the Court took judicial notice that fingerprint identification has long been recognized and accepted by all courts in the United States and that expert testimony concerning its use is always admissible provided the proffered witness is indeed qualified as an expert in the field.

CONCLUSIONS OF LAW

Admission of expert testimony is a determination made in the trial court's discretion. People v. Mooney, 76 N.Y.2d 827, 560 N.Y.S.2d 115 (1990). The Frye Rule is a two pronged test. The party offering the expert testimony must not only lay a foundation for the testimony but also qualify the expert as such. This foundation must be based on scientific evidence where both procedure and results are generally accepted as reliable in the scientific community. Frye v. U.S., 54 App.D.C. 46 293 F.1013, This is still the standard in New York. People v. Wesley, 83 N.Y.2d 417, 633 N.E.2d 451, 611 N.Y.S.2d 97 (1994).

Here in its discretion and with a view towards the guidance of People v. Lee, 96 N.Y.2d 157, 750 N.E.2d 63, 726 N.Y.S.2d 361 (decided May 8, 2001) the court held a pre-trial "Frye hearing" to resolve this issue. In determining whether Dr. Cole's testimony concerning the latent fingerprint evidence in this case was properly admissible, the Court must focus its attention on whether his theory or conclusions has been accepted as reliable by the relevant scientific community Wesley at 454. In Frye at 1014 the court stated: "*the thing from which the deduction is made must be sufficiently established to have gained general acceptance in the particular field in which it belongs*" (emphasis added). It is incumbent upon the proponent of expert scientific testimony to lay a proper foundation establishing that the processes and methods employed by the expert in formulating his or her opinions adhere to the accepted standards of reliability within the field. People v. Wilson, 133 AD2d 179, 518 NYS2d 690. In this matter, the methodology or

"the thing" from which Dr. Cole's deductions are made are anecdotal and second hand rather than scientific. The record is devoid of any evidence that Dr. Cole possesses any more than a elementary knowledge of latent fingerprint collection and comparison. His approach to this issue is historical in nature and can hardly be viewed as generally accepted as reliable in the relevant scientific community as required by Frye (supra). Dr. Cole's proposed attack on the scientific underpinning of fingerprint identification is more in the nature of the roll of an advocate or historian and not as an expert, U.S. v. Rincon, 28F.3d 921, 9th Cir. (1994). His testimony would neither be relevant to the issues in this case nor assist the jurors who as triers of fact might be in need of specialized information.

"Skeptics are involved in many aspects of solving society's problems from a rational perspective. Yet few realize the insidious and negative effect our legal system can have on the establishment and propagation of logic and science. From the Scopes trial to silicone breast implant litigation, some courts have demeaned science and promoted junk science. The system must be changed. By incorporating a standardized policy with adherence to stringent rules regarding the admission of scientific evidence most of these results can be avoided. Junk Science and the Law by John E. Dodes, Skeptical Enquirer, p. 31, Vol. 25 No. 4, July/August 2001".

Even applying the Federal Courts Daubert Standard what Dr. Cole has offered here is "junk science". Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579, 113 S.Ct. 2786. To take the crown away from the heavyweight champ you must decisively out score or knock him out. Going twelve (12) rounds will just not do. What Dr. Cole has offered here is interesting but too lacking in scientific method to even bloody the field of fingerprint analysis as a generally accepted scientific discipline.

UPCOMING GAIAI MEETINGS

2003 Spring GAIAI Business Meeting
March 28, 2003
Riverdale Police Department
Riverdale, GA

2003 Summer GAIAI Business Meeting
June 27, 2003
GBI Headquarters
Atlanta, GA

NOTICE RE: *IAI TRAINING SEMINARS* *2002-2003*

As noted in December's *IAI Update*, IAI training seminars have been cancelled due to the resignation of the Training Seminar Coordinator, Dwane Hilderbrand. If the association is able to find someone to take over that task, the program will be reinstated. A notice to that effect has been placed on the IAI's website.

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*includes Presidential Reception, Poolside Meal, and Installation Banquet

Entry to social events will be by ticket only. Social events admission is included in payment of full registration and spousal registration. For all others, tickets will be available from the Secretary-Treasurer.

Registration is requested by August 15, 2003. After August 15, a late fee of \$15.00 will apply.

Hotel reservations must be made separately. The hotel is located at 930 Highway 40 East, Kingsland, Georgia. Rates are \$48.00/day + tax including a full breakfast. Use Referral Code "GAIAI" when making reservations. Phone: (912) 729-3000.

Mail registration and fees to: Georgia State Division IAI
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GEORGIA STATE DIVISION INTERNATIONAL ASSOCIATION FOR IDENTIFICATION

VENDOR APPLICATION/REGISTRATION

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September 15-18, 2003

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I/We hereby make application to establish a vendor's site at the Georgia State Division Annual Educational Conference.

The individual table fee for this conference is \$125.00, which includes advertising in the conference program and all three social events (Presidential Reception, Poolside Meal, and Installation Banquet) for one representative. The fee for each additional representative is the cost of whichever social event(s) the representative wishes to attend. Contact Andrew McIntyre, Vendor Coordinator, at vendor@gaiiai.org or (404) 417-2705 regarding the price schedule of social events.

The vendors' area will be open the following times:

Tuesday, September 16	9:00 a.m. – 5:00 p.m.
Wednesday, September 17	9:00 a.m. – 5:00 p.m.

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2. I understand that application fees paid to the Association by any new applicant between January 1 and August 31 shall be applied to the membership dues for that calendar year only; fees paid by an applicant on or after September 1 shall be applied to the following calendar year.

4. Also, I understand that my Membership Certificate is the property of the Division and must be returned to the Secretary upon my *resignation or suspension*.

Because this information will be used for compiling our Membership Directory, PLEASE be precise and complete ALL items.

3. All applications MUST be accompanied by payment

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___ Fingerprint Identification

___ Laboratory Analysis

___ Crime Scene Investigation

___ Forensic Art

___ Polygraph

___ Innovative/Gen. Techniques

___ Footwear/Tire Tracks

___ Questioned Documents

___ Firearms & Toolmarks

___ Forensic Photography/
Electronic Imaging

___ Voice Print & Acoustics

6. Recommender: _____

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Member's #

Member's Address

Recommender's Signature (Required)

Date

Approved:

Signature of Membership Committee Chairperson and Date

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PERSONAL HISTORY

Degree and/or Honors and other Qualifications for Membership

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Active membership of the Georgia State Division shall consist of heads of Bureaus of Identification or Investigation (including persons under their supervision who are engaged in the science of identification), heads of Police Departments, Chiefs of Detectives and Sheriffs, provided however, that the foregoing persons are bona fide employees of, and who receive salaries from National, State, County, or Municipal Governments, or some subdivision.

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All reputable persons wholly or partially engaged in any of the various phases of the science of identification and who are not qualified for Active Membership are eligible to become Associate Members. They shall, in all respects, be subject to the same rights and privileges as Active Members, except that they shall not be entitled to the office of Vice President or President.

I certify that the information herein contained is true and correct to the best of my knowledge. Any omission or falsification of information will be a basis for rejection or denial of continued membership.

Applicant's Signature and Date: _____

Forensic Ridgeology Course

Instructor: SSgt. David Ashbaugh, RCMP
 16-20 June 2003 (0800-1600 daily)
 GBI Headquarters, Atlanta

Course Description (as described on CLPEX.com):

This course is applicable to both veteran and novice friction ridge identification specialists. The purpose of the course is to develop an understanding and working knowledge of *Evaluative Friction Ridge Identification*, at the basic and advanced levels, and to present an introduction to *Palmar Flexion Crease Identification*.

The premises of identification, scientific basis and identification process are reviewed and presented in a manner that is applicable to both sciences. An evaluative identification process consisting of a philosophy and methodology is presented and demonstrated with class participation. The student will also learn this systematic process not only flattens the learning curve, but empowers the expert to clearly describe how an evaluative identification is carried out using a step-by-step process.

Class participation is designed to develop a candidate's ability and confidence when describing the various specifics involved in evaluative friction ridge identification.

To be held at GBI Headquarters, Atlanta
 3121 Panthersville Road, Decatur, Georgia 30034

Cost: \$400 per person

Class size limited to 25 students (first-come, first-served basis).

Registration deadline: 1 June 2003

No refunds will be issued after 1 June 2003.

Mail registration and fees to: Georgia State Division IAI
 ATTN: Denise Williams/Secretary-Treasurer
 8316 Winston Way
 Jonesboro, GA 30236

Contact **Stephen Greene**, 1st Vice President, with all inquiries at (404) 469-7039.

NAME _____ GAIAI# _____

ORGANIZATION _____

ADDRESS _____

CITY/STATE/ZIP _____

TELEPHONE _____ FAX _____

E-MAIL _____

SOC SEC # _____

Registration \$400.00 \$ _____

TOTAL \$ _____

Make checks payable to GAIAI.



Next newsletter mailing date:
May 2003

GEORGIA FORENSIC NEWS

International Association for Identification
Georgia State Division
Juliet H. Wood, Editor
93 Bates Ave., NE
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