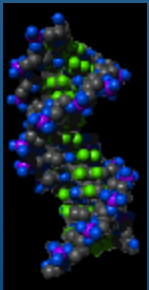


FORENSIC SCIENCE ERROR AND OMMISSION WITH IN THE LEGAL SYSTEM

*“Forensic Science in the Courtroom:
Can we communicate better?”*



International Symposium on
Forensic Science Error Management
Hon. Christopher J. Plourd
Arlington, Virginia
July 23rd, 2015



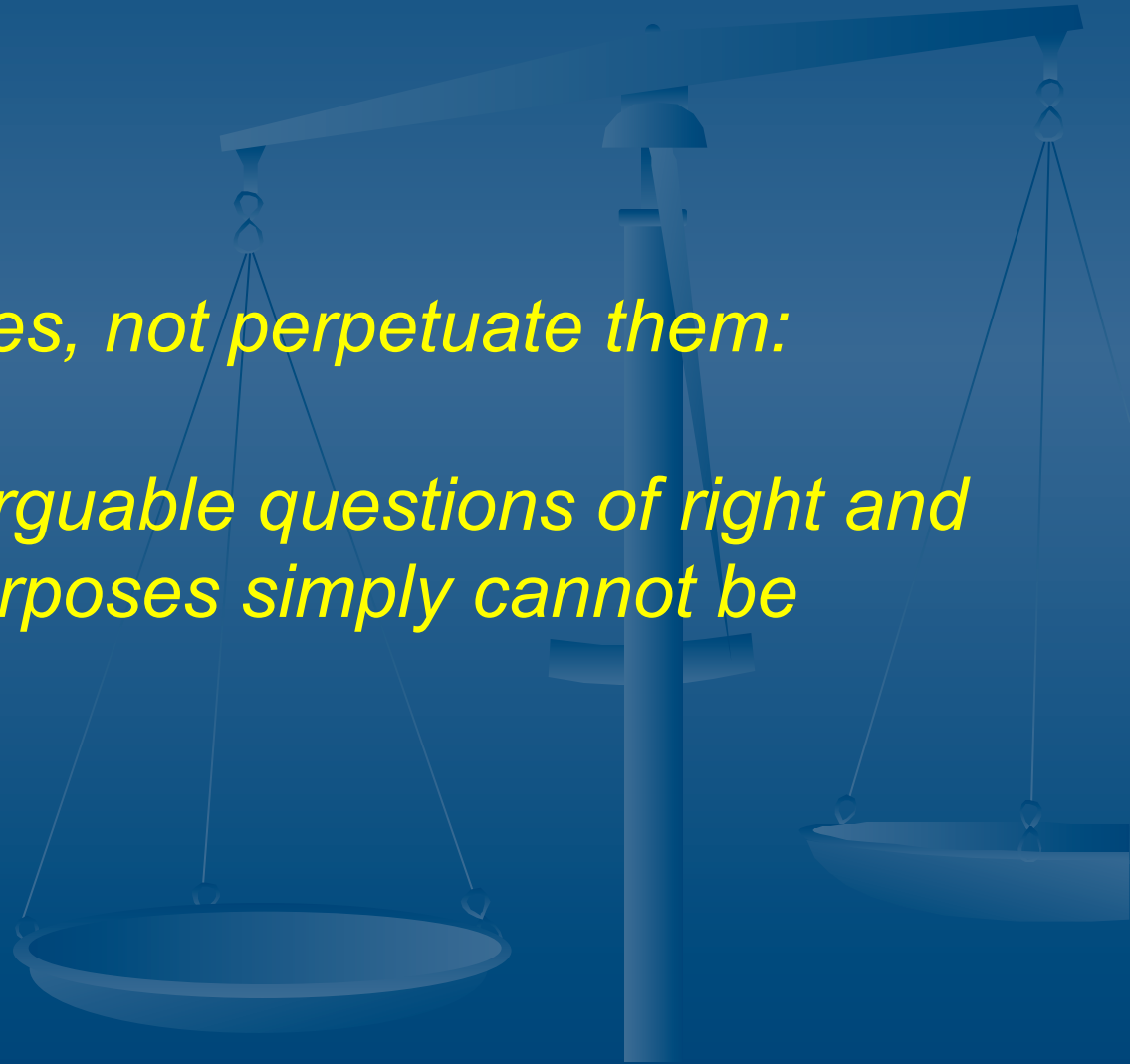
FORENSIC SCIENCE AND THE LAW



WHAT DOES A COURT REALLY DO?

Courts resolve disputes, not perpetuate them:

“That at some point arguable questions of right and wrong for practical purposes simply cannot be argued anymore”

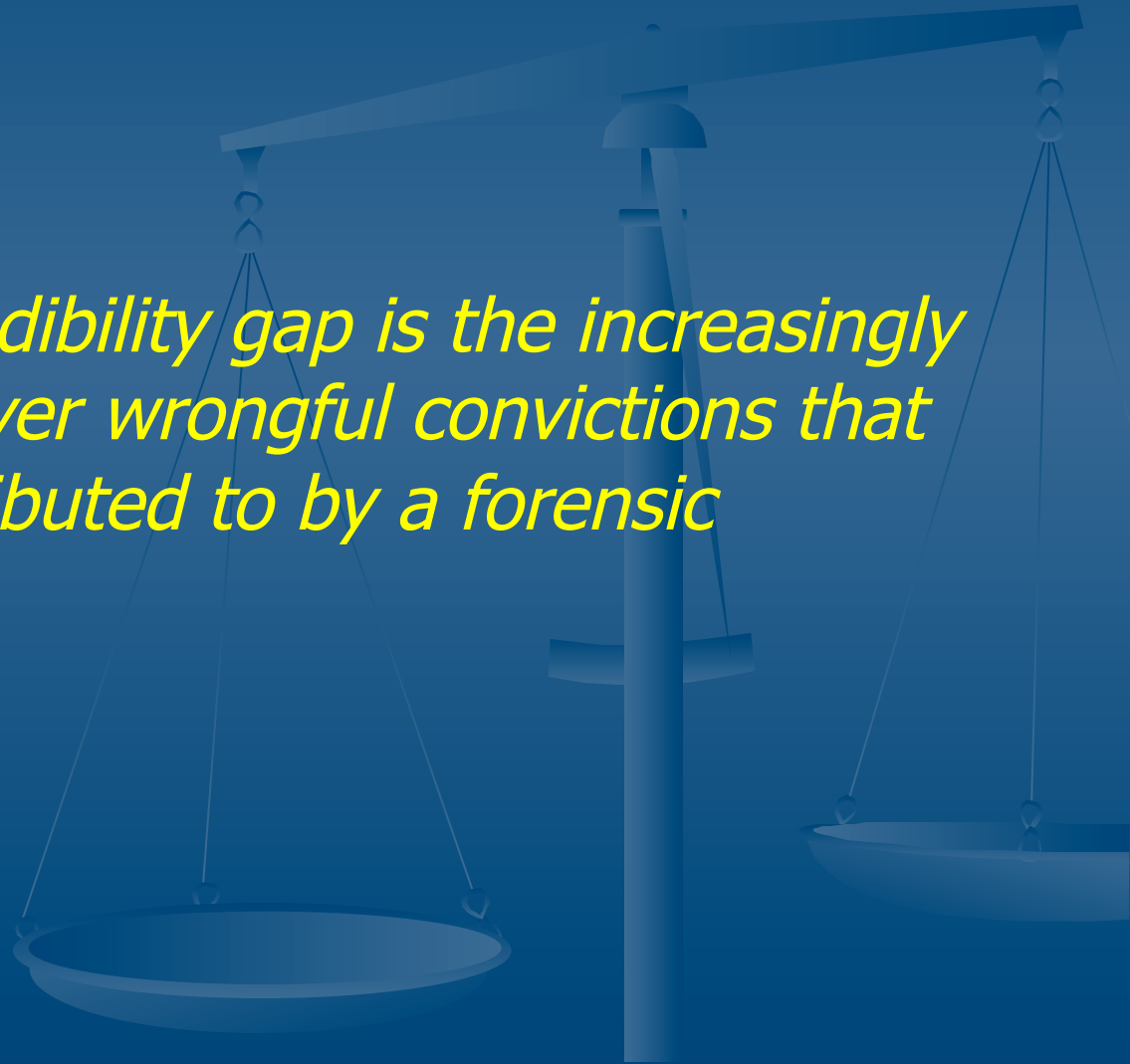


ADMISSION OF EXPERT TESTIMONY



FORENSIC SCIENCE ERRORS

A forensic science credibility gap is the increasingly contentious debate over wrongful convictions that were caused or contributed to by a forensic scientist.



DNA EXONORATIONS

A faint, stylized image of a pair of scales of justice is visible in the background, centered behind the text. The scales are rendered in a light blue color, matching the overall theme of the slide.

- **Eyewitness Id.**
- **Forensic Science mistakes.**
- **Interrogations-false confession.**
- **Ineffective assistance of council**
- **Prosecutorial misconduct**

BAD EVIDENCE OR BAD ATTORNEY'S

DNA EXONORATIONS

- All 50 States.
- Over 1500.



NON-DNA EXONORATIONS



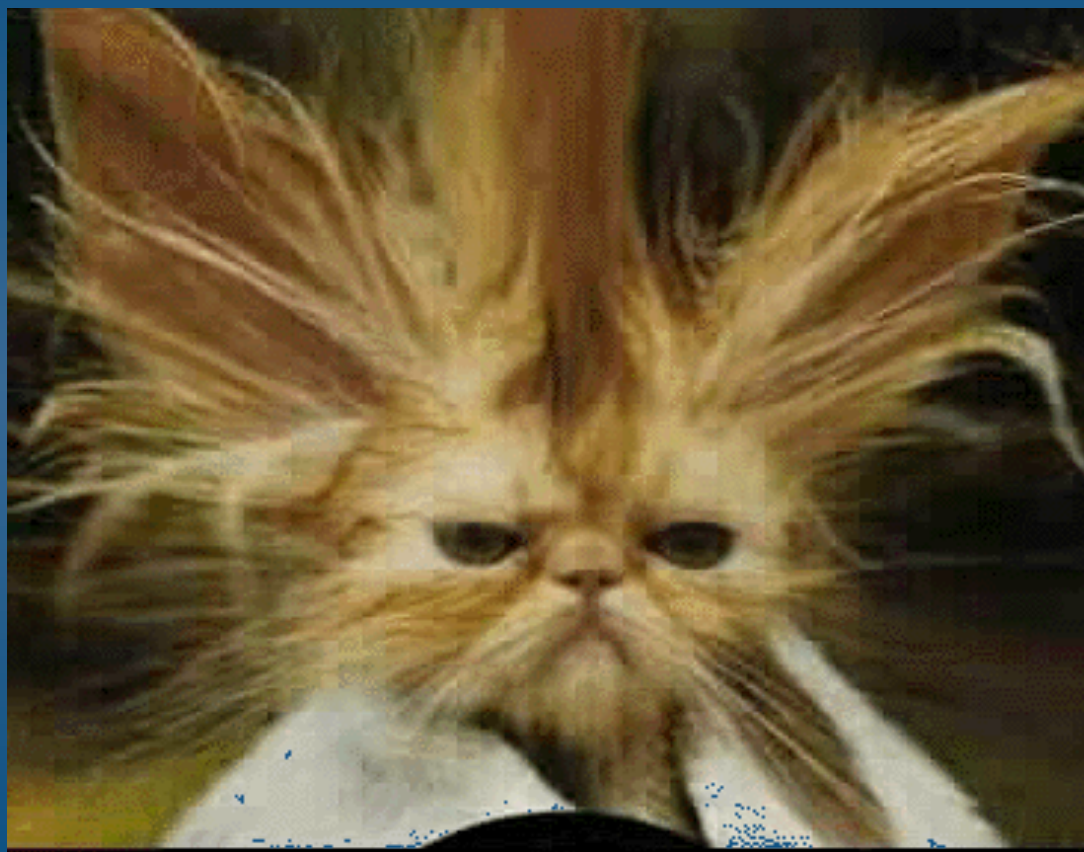
WHAT HAVE WE LEARNED?



Photographs and Interviews by Taryn Simon
Commentary by Peter Neufeld and Barry Scheck

The Innocents

BLAME GAME-FINGER POINTING





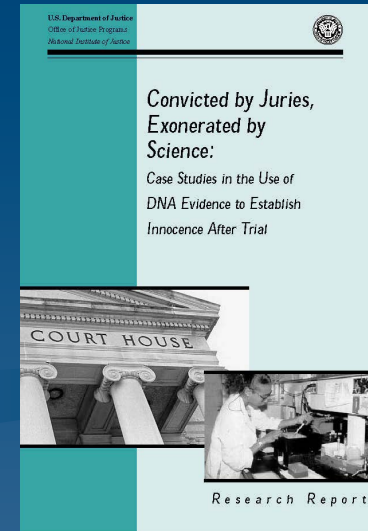
Convicted by Juries, Exonerated by Science:

*Case Studies in the Use of
DNA Evidence to Establish
Innocence After Trial*



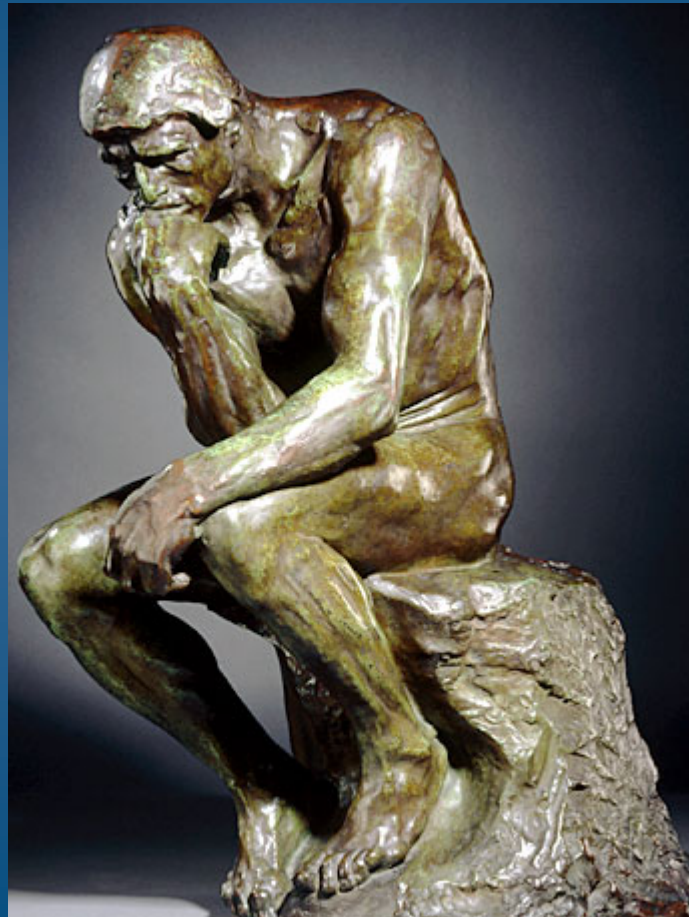
Research Report

June 1996



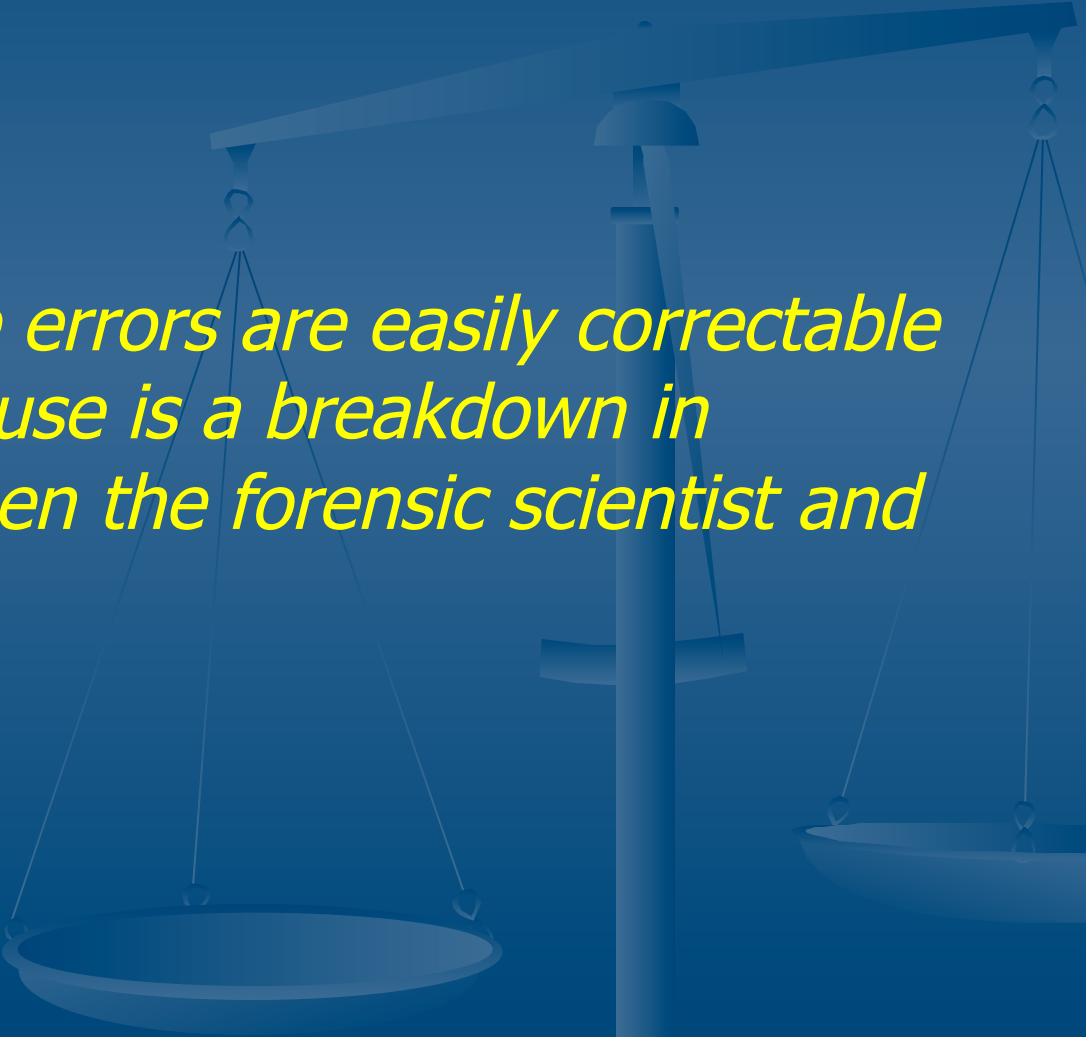
"DNA aids the search for truth by exonerating the innocent. The criminal justice system is not infallible, and this report documents cases in which the search for truth took a tortuous path."

NOW WHAT SHOULD WE DO?



COMMUNICATION ERRORS

Some forensic science errors are easily correctable because their root cause is a breakdown in communication between the forensic scientist and the legal consumer.

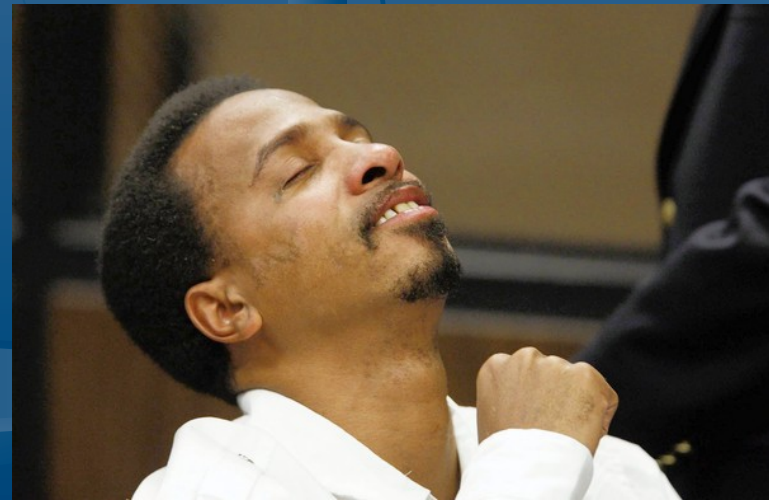


THE UNLIKELY, IMPOSSIBLE, IMPROBABLE CASE

OF

REGGIE & OBIE

A story of Biblical Proportions"







THE KILLING SEASON

**A SUMMER INSIDE
AN LAPD
HOMICIDE DIVISION**



MILES CORWIN



In Loving Memory of



Edward Eugene Clark, Sr.
"A Legend"

Sunrise: March 30, 1966 ~ Sunset: November 28, 2000

Saturday, December 9, 2000
1:30 P. M.

House of Winston Memorial Chapel
9501 S. Vermont Avenue
Los Angeles, CA

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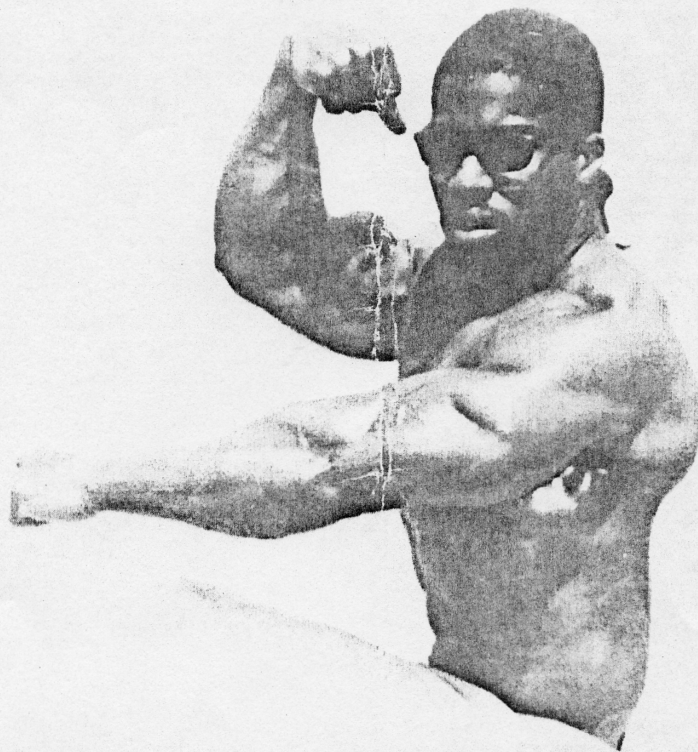
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VICTIM:

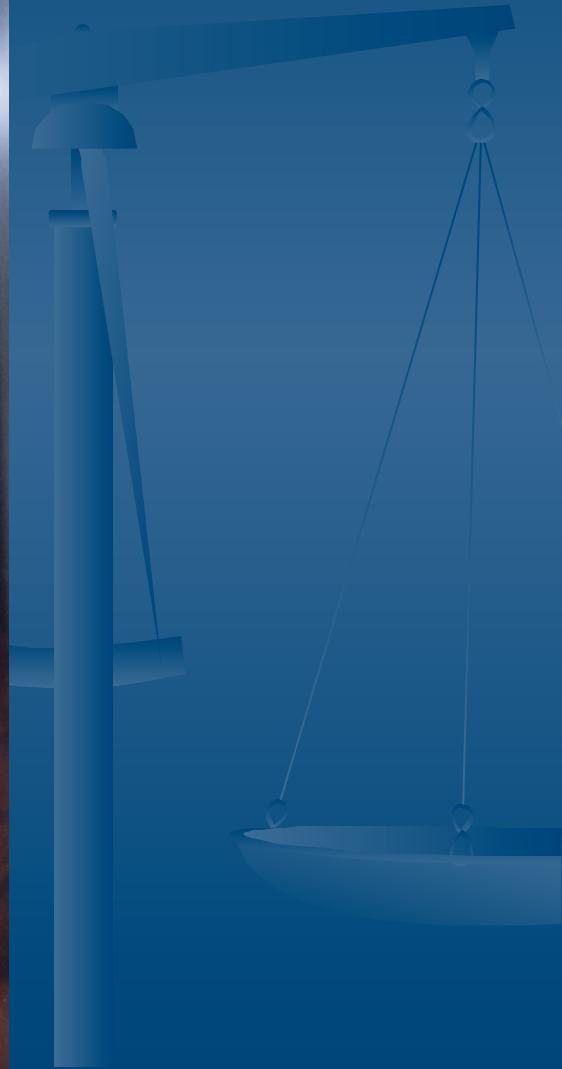


"A Legend"





Eddie Clark





DIABLO



State of California

V.

Reggie D. Cole

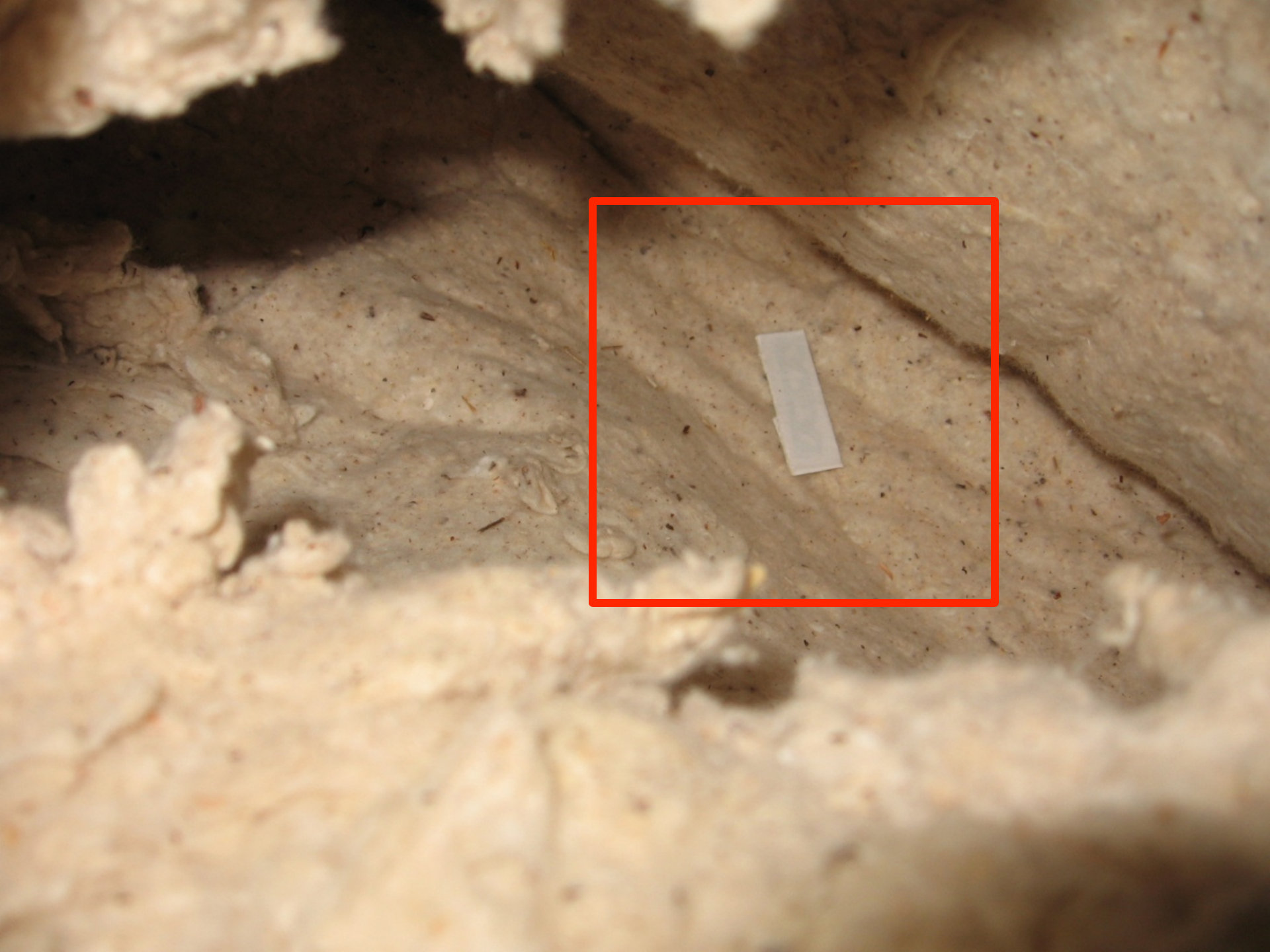


CHARGES



*Possession of a Weapon
[California Penal Code §4502(a)].*

The prosecution alleges that, on June 24, 2008, Mr. Cole had possession of a “sharp instrument.”



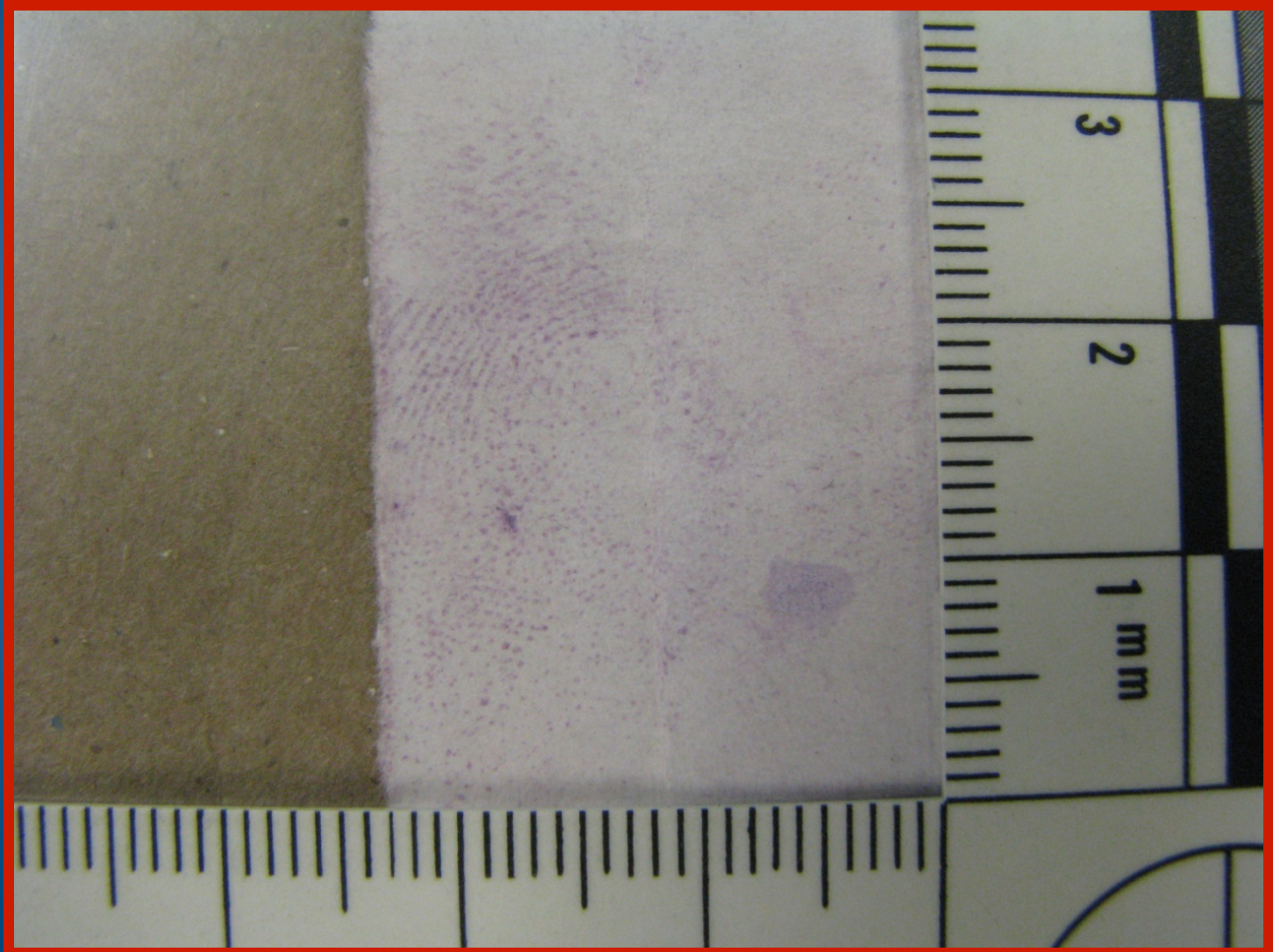
Cole Has Always Had his Mattress on the Bottom Bunk (195 Low)



INSIDE THE PAPER



LATENT PRINT?



REQUESTING AGENCY CASE NO.
08-0204

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
FRESNO REGIONAL CRIMINALISTICS LABORATORY
5311 N. Woodrow Avenue Fresno, CA 93740
Phone No. (559) 294-4000 FAX No. (559) 292-6492

BFS CASE NUMBER
FR-09-002966-0001

ATTN: Investigating Officer Hernandez
California State Prison
7018 Blair Road
Calipatria, CA 92233

COPIES:

PHYSICAL EVIDENCE EXAMINATION REPORT

SUSPECT: COLE, REGGIE

OFFENSE: 4502

VICTIM:

OFFENSE DATE: JUNE 24, 2008

*I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services; (2) I conducted an examination of the material described below in the ordinary course of my work as a qualified examiner, according to approved laboratory procedures that include creation of contemporaneous documentation and the technical review of my work; (3) The observable data is set forth in the associated laboratory case record; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record and findings listed below.
Note: This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures. The Department of Justice Laboratory is accredited by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB).*

SUMMARY/RESULTS

Processing of the submitted items developed a fragmentary latent of no value.

This will confirm my telephone conversation with Officer Hernandez on July 8, 2009.

EVIDENCE

The following evidence was submitted to the Laboratory by the California State Prison on June 30, 2009, via Golden State Overnight:

Item 07364 Razor blade with piece of paper
Item 1 Four machine copies of the inked fingerprints of Reggie Deshawn Cole

DISPOSITION

Enclosed are the submitted items.


Date of Report: July 16, 2009

EXAMINED BY:


RICHARD W. KINNEY
Latent Print Analyst II

Technical review by: 

Date: 7/22/09

Administrative review by: 

Date: 8/3/09

RWK : tm

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“Processing of the submitted items developed a fragmentary latent of no value”



SUMMARY AND CONCLUSIONS

Friction ridge detail sufficient for comparison and exclusion was observed on the small piece of white paper. I observed several clearly defined level two features in the developed impression.

The detail of this impression was compared to the known finger and palm prints of Reggie Cole. The ridge flow, and individual features present within the ninhydrin-developed impression do not correspond to the ridge flow, characteristics, their location or relationship of individual features present on any of Reggie Cole's fingers nor either palm. Reggie Cole's fingers and palms are excluded as the source of this impression on the piece of paper.

“Reggie Cole’s fingers and palms are excluded as the source of this impression...”



FREEDOM



State of Wisconsin

v.

Robert Lee Stinson

STATE of Wisconsin, Plaintiff-Respondent, v. Robert Lee STINSON, Defendant-Appellant

No. 86-0002-CR

Court of Appeals of Wisconsin

134 Wis. 2d 224; 397 N.W.2d 136; 1986 Wisc. App. LEXIS 4049

September 2, 1986, Submitted on briefs
October 28, 1986, Decided

"Arguably, without the admission of the bite mark evidence, the state's case against Stinson may not have been sufficient to convict him."

[State v. Stinson, 134 Wis. 2d. 224, 236 n16]

“ Arguably, without the admission of the bitemark evidence, the state’s case against Stinson may not have been sufficient to convict him. However, since we have already held that the bitemark evidence was admissible, we must review the entire record, including the bitemark testimony, in determining if the evidence was sufficient to support the jury verdict convicting Stinson of first-degree murder”. [Wisconsin v. Stinson at page 235]

***Dr. Johnson told the jury that the
bite marks on the victims body:***

***“ Would have been made
by Robert Lee Stinson”***

With

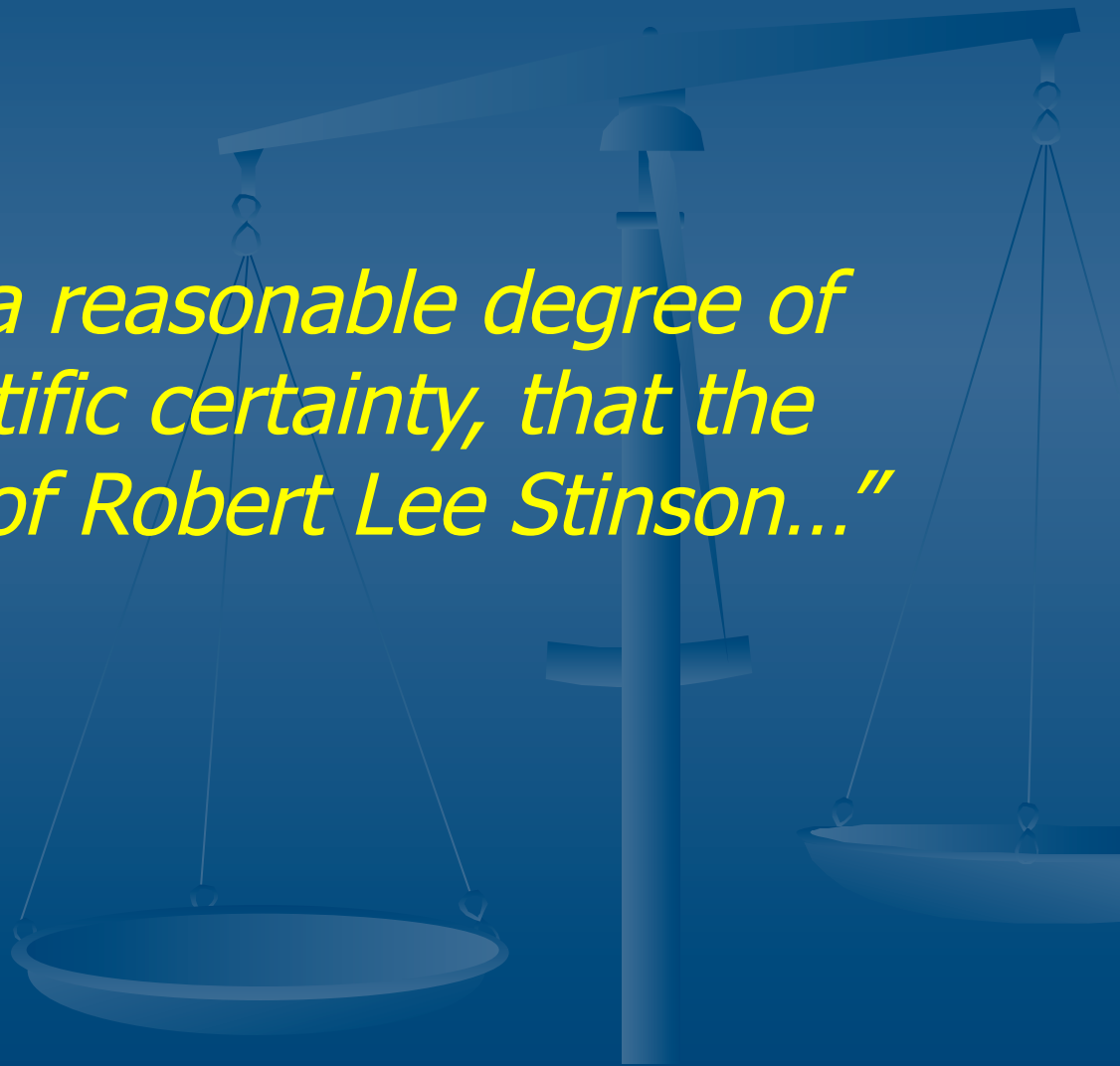
“...no margin of error”



Based upon the above observations during my analysis of the above captioned case, it is also my professional opinion to a reasonable degree of scientific certainty, that the teeth of Robert Lee Stinson would be expected to produce bite patterns identical to those which I examined and recorded in this extensive and exhaustive analysis.

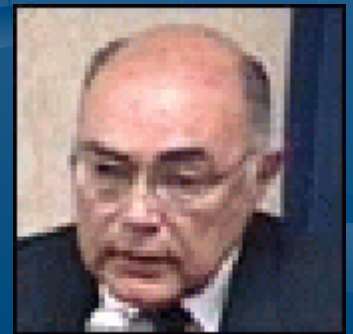


"...to a reasonable degree of scientific certainty, that the teeth of Robert Lee Stinson..."



Dr. Rawson analyzed the evidence and concluded:

“...There was no question that there was a match to a reasonable degree of scientific certainty”



Dr. Raymond Rawson



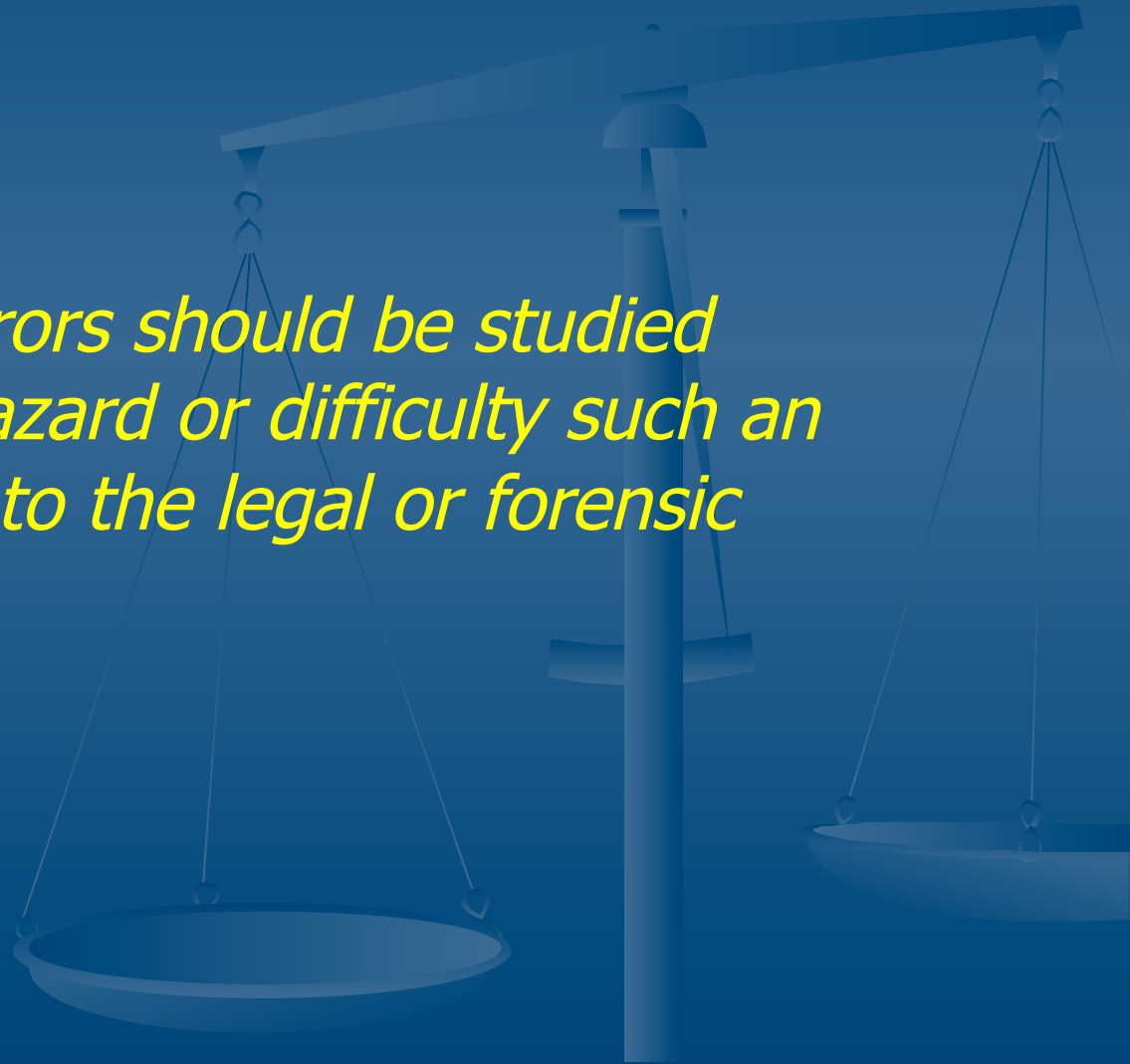
"It's not if bitemark evidence is as good as fingerprints, it's if fingerprints are as good as bitemarks!"

OPINION:

"A match is not 90% or 99% a match is 100% there is no other possibility."

ERRORS AND OMISSIONS

Forensic scientific errors should be studied irrespective of the hazard or difficulty such an investigation poses to the legal or forensic community.



THANK YOU!

