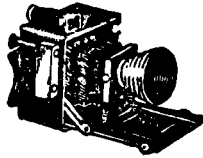


THE PRINT

*The Official Publication of the Southern California Association of Fingerprint Officers
An Association for Scientific Investigation and Identification Since 1937*

September / October 2001 Volume 17 Issue #5



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Oldest Cold Case Heats Up

(This article is reprinted from the August 7, 2001, issue of the Los Angeles Times. Thanks to Dave Falcon, LASD for the contribution.)

By **JACK LEONARD**
Times Staff Writer

Witnesses have died or disappeared. Pieces of evidence have been lost. Even the murder scene has been demolished.

But the oldest "cold case" in Orange County history to result in murder charges went to trial Monday, with prosecutors arguing that they can, in fact, prove who was behind the 1975 shooting of Larry Wheelock.

The case underscores the challenge in bringing to trial a "cold case"—one that is facing lawyers and judges more than ever as advances in DNA and fingerprint technology allow detectives to crack cases previously thought to be unsolvable.

Around the nation, police have touted cutting-edge forensic technology for solving crimes sometimes more than a decade old. While no one is tracking arrests in cold cases, the trend is nowhere more noticeable than in Orange County. In Santa Ana alone, police in 1999 and 2000 made arrests in 22 such cases.

But it falls to prosecutors to convert those arrests into convictions. Often, that is no easy task. Deputy district attorneys must try to make a case when witnesses have moved, even died, and when evidence has been destroyed, not to mention dealing with the problem of fading memories.

"The longer it takes to bring these cases to trial, the more disadvantaged we are," said Assistant Dist. Atty. Lew Rosenblum, who oversees county homicide cases.

On Monday, Wheelock's stepson, Jacob Scott, now 29, told jurors how as a 4-year-old boy he watched as his stepfather was fatally shot by an intruder.

Prosecutors hope the recollections, some of them admittedly hazy, will be enough to bolster fingerprint evidence they say links Larry Donnell Paige to the killing.

Paige's attorneys have tried unsuccessfully to have the charges thrown out, saying the quarter-century gap between the killing and the trial makes it virtually impossible to prove what Paige really was doing the night of the murder.

Paige, they argue, had nothing to do with the slaying, but now finds himself being railroaded by technology that cannot provide the full story. And they vowed to attack the fingerprint evidence itself as unreliable.

Deputy Public Defender Ed Eisler on Monday chipped away at Scott's story, highlighting the conflicts in accounts he has given over the last 25 years in an effort to undermine prosecutors' version of what happened that night.

Wheelock was gunned down in the family's Santa Ana apartment on Oct. 18, 1975. Fingerprints found at the Bristol Street home were smudged and barely readable. Without a match, the case gathered dust.

OLDEST COLD CASE Continued

Last year, new digital technology helped police produce clearer and larger images of the prints, which had been lifted from Wheelock's car and a paper bag containing beer cans. And investigators reportedly matched those images against fingerprints from Paige, a Long Beach man with a criminal record of minor thefts and drug sales.

In the 25 years it took authorities to arrest Paige on suspicion of Wheelock's slaying, 12 witnesses have died, 95 others have moved, and the car from which one of the fingerprints was taken is gone, according to defense attorneys.

On Monday, as Paige sat dressed in a blue button-down shirt and tie, the courtroom evidence was the stuff of history.

A black-and-white photo of Larry Wheelock smiled down from a television screen. Prosecutor Chris Kralick joked in court that digital cameras didn't exist when crime scene investigators took photographs of Wheelock's apartment that night.

Paige's lawyer argued in court that many of Scott's observations from 25 years ago have differed from statements he has given to police more recently. Scott's memory, he told jurors, had been influenced from reading the police report of the murder and talking to others.

Moreover, forensic evidence against Paige relied on smudged fingerprints that could very well belong to someone else, Eisler argued.

Kralick, however, told jurors that evidence shows Paige was one of two men who robbed and shot Wheelock. Paige, the prosecutor told jurors, was not the gunman, but is equally responsible for the killing because he helped distract Scott during the ordeal.

Scott's memory, Kralick acknowledged, is hardly flawless. Many of the details from that night are fuzzy or forgotten. But Kralick argued that Scott's recollections are sound when it comes to the most important event—the shooting.

Once Scott took the stand, prosecutors made the unusual decision not to ask him to identify Paige in court. Indeed, in interviews 25 years ago, Scott identified the gunman as Gary and his accomplice as Joe.

Scott acknowledged several times that he had forgotten details about the night. But under tough questioning, he insisted that he recalled carrying a bag of beer belonging to the two intruders up to his apartment, then playing under a stairwell as his stepfather was shot in the hallway.

Scott testified that the man who had been playing with him saw the gunman raise his weapon and shouted at him to stop. But Kralick said the man's attempts were too late.

"Despite your protestations of 'Don't do it! Don't do it!' it's too late," the prosecutor said, addressing Paige. "You're already an aider and abettor."

Southern California Print Officers Feted at Prison

(This article is reprinted from the May, 1947 issue of Finger Print and Identification Magazine. Thanks to Sarah Watson, LASD for this historical tidbit.)

When Southern California fingerprint officers dined as guests of the California Institute for Men at Chino, Cal., they found reason to envy the life of a convict. Deluxe cuisine featured broiled New York cut steaks and apple pie ala mode. Musician inmates of the prison provided music to lend atmosphere in the best cafe tradition.

Such elaborate settings, of course, are not standard on the prison bill of fare. The occasion was the March meeting of the Southern California Association of Finger Print Officers, held at the Institute on an invitation extended by prison officials.

West Coast Invitation

I. A. S. students and other finger print men planning trips to the West Coast will find hospitality awaiting them at the hands of the Southern California Association. Mr. J. M. Head, Sec.-Treas. of the group, has written the editor ; "Advise your students, or any other fingerprint men, that if they happen to be in Southern California on the first Friday after the 6th of each month, and would care to attend one of our meetings, they can contact me and I will make the necessary arrangements."

(Editor--While the meetings have moved to the first Saturday of the even numbered months, the invitation still stands. Women involved in the profession are also welcome. You can contact any of the Executive Board for more details.)



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Withheld Evidence Can Give Convicts New Life

(This article is reprinted from the May 29, 2001, issue of the *Los Angeles Times*. Thanks to Dale Falicon, LASD for the contribution.)

By **RICHARD A. SERRANO**
TIMES STAFF WRITER

WASHINGTON—On the morning of the Oklahoma City bombing, April 19, 1995, the U.S. Supreme Court issued an opinion sharply criticizing police and prosecutors in Louisiana for not turning over key material in the trial of a man sentenced to death for murder.

The high court was upset that authorities had withheld documents suggesting that Curtis Lee Kyles may have been framed for the slaying of a 60-year-old woman. "Fairness," the court said, "cannot be stretched to the point of calling this a fair trial."

Kyles spent 14 years in prison and twice came within days of being executed. Today he is a free man and has returned home to New Orleans, where he works as a bricklayer.

But what happened to him, as well as to others caught up in a justice system they believe favors prosecutors over the defense, provides a road map for attorneys hoping to save the life of Timothy J. Mc Veigh.

Legal experts say failure by authorities to turn over materials is the second most common reason for granting new trials, after allegations of ineffective trial counsel.

But reversals are rare. A study by the Habeas Assistance and Training Project, which helps defense attorneys, found only 270 instances in federal and state courts in the last 40 years in which convictions were overturned or new hearings ordered because prosecutors had withheld documents.

It is a coincidence that the Kyles case was decided on the very day McVeigh destroyed the Alfred P. Murrah Federal Building, killing 168 people and injuring more than 500 others. McVeigh has spent the last six years in prison, and earlier this month he too came within days of being put to death.

Then, just as in the Kyles case and others like it, federal prosecutors announced newly discovered FBI files.

Although McVeigh's execution was delayed until June 11, few expect him to follow Kyles' path out the prison door. He has confessed and earlier dropped all appeals, saying he was ready to die.

But stranger things have happened.

Who would have thought that Kyles would ever see the outside of a death row cell, much less breathe free air again?

He was caught with a red Ford LTD that belonged to Dolores Dye, the dead woman. Her purse was recovered from his trash at the curb in front of Kyles' apartment, and the murder weapon, a .32-caliber revolver, was found behind his stove.

Then his defense lawyers stumbled across a lengthy police report and other material long buried in the case--some of which could be construed to clear Kyles.

The prosecutor, who still believes Kyles is guilty, said in an interview that the material should have been shared with the defense.

"It was my mistake," said Cliff Strider III, a prosecutor in northern Louisiana. "I was a young prosecutor back then, and I screwed up."

The withholding of police reports, witness statements and other documents can make a huge difference in a case's outcome, defense attorneys say.

"A good defense lawyer goes back through all the law enforcement files he can get his hands on," said Richard Burr, one of McVeigh's appellate attorneys. "Through all of the prosecution files too. And sometimes years later after the conviction you get access to things you couldn't get before."

Mike Fawer, one of Kyles' defense attorneys, said sometimes it is just luck. "I have another case of a guy right now that is just as bad. My guy is charged with killing his wife back in the 1980s, and they convicted him."

Fawer said his client's wife was strangled in her bedroom and that he was found tied up downstairs. He told police that an intruder had broken into the couple's home.

But the man was found guilty in his wife's death and given a life sentence. Fourteen years later, he obtained new documents under the Freedom of Information Act.

"They gave him this 50-page supplemental police report that nobody had seen before," Fawer said.

It contained evidence of fingerprints of an intruder in the house and reports about another break-in that night at a neighbor's home. Fawer's client is now free pending further court review.

David Bruck, an attorney who helps other lawyers defend federal death row inmates, said they "are still not sure that everything has been turned over" in the cases of 20 other men housed with Mc Veigh on federal death row.

Bruce W. Gilchrist, who represents Juan Raul Garza, a convicted drug dealer and murderer who is the next federal prisoner scheduled to die after McVeigh, said that, as far as any new evidence goes, "anything is welcome, and things happen with time."

Richard Dieter, director of the Death Penalty Information Center in Washington, said the burden is almost always on defense lawyers.

"The defense often has a sniff that something was not turned over and then goes to court," Dieter said. "But it's rare the government on its own initiative brings material forward. That is very rare."

In Florida, for instance, Brett Bogle sits on death row after being convicted of raping and killing his girlfriend's sister outside a Tampa bar in 1991.

But federal authorities held on to new evidence before turning it over to his appellate lawyer last year. The evidence suggested that what was believed to be the victim's pubic hair found on Bogle's clothing was a head hair, raising questions about whether he raped the victim. The defense wants a new trial.

In another case, Tommy David Strickler in June 1999 asked the U.S. Supreme Court for a new trial after his conviction in the slaying of a young woman at James Madison University in Virginia.

His lawyers said prosecutors had "failed to disclose" material to the defense, casting doubts about a key witness and disclosing contradictions between her statements to police and her court testimony.

But the Supreme Court ruled against Strickler, saying there was no "reasonable probability" that the jury would have voted differently had it known about the new material.

"The question is not whether the defendant would more likely than not have received a different verdict with the suppressed evidence," the court said, "but whether in its absence he received a fair trial."

A month later, the 33-year-old Strickler was executed. "I am innocent," he maintained as they strapped him down, "I didn't do it."

In ruling against Strickler, the Supreme Court cited its earlier decision in the Kyles case.

There, the court determined that the missing evidence suggesting someone else killed the woman at a New Orleans grocery "would have substantially reduced or destroyed" much of the prosecution's case against Kyles.

A lower appellate court judge, Carolyn Dineen King, had also said: "For the first time in my 14 years on this court.... I have serious reservations about whether the state has sentenced to death the right man."

Shortly after the September 1984 slaying in the New Orleans case, Joseph Wallace, better known as "Beanie," told police that Kyles tried to sell him the dead woman's car, which had been stolen after the shooting.

Police went to Kyles' home and found the car and other evidence there. He was charged with capital murder. His first trial was held two months after his arrest and ended in a hung jury; at his second trial, Kyles was convicted and sentenced to death.

Two weeks after the conviction, according to prosecutor Strider, "the police department brought me more of their files and it included another statement from Beanie."

That statement was inconsistent with details Wallace had earlier given Strider. Further, Wallace had admitted that he twice visited Kyles' apartment in the days between the murder and Kyles' arrest.

It became increasingly clear that Wallace feared Kyles because they were seeing the same woman, and, as the Supreme Court later said in its decision, "Beanie seemed eager to cast suspicion on Kyles."

Strider conceded he was wrong not to give the new reports to the defense. "I had my own file sitting in a corner of my office, and I took these new reports and tossed them into the box without reading them."

Yet Strider still believes Kyles is guilty: "Absolutely no doubt in my mind."

Kyles' appellate lawyers came across the new reports only after filing legal petitions to obtain the entire police and prosecution records.

"They claimed that it was an oversight," said George W. Healy III, one of Kyles' appellate lawyers. "They said they were too busy and didn't have enough clerical help."

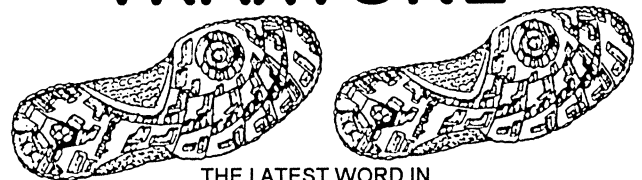
He said the defense was told the new material would not help Kyles anyway, but the defense disagreed. "The theory was that Beanie was trying to set him up to get to his girlfriend," Healy said.

Beanie was later killed himself.

And Kyles was granted a new trial. He was tried three more times--with three more hung juries. Finally, in 1998, prosecutors dropped the charges and Kyles walked out of prison and into the arms of his cheering family. Beaming in the afternoon sunlight, he said he wanted to hold his 10-day-old grandchild and eat a shrimp poor-boy sandwich.

"It was horrible what they did to him," recalled his sister Lela Johnson. "It makes you lose a lot of faith in the justice system. But all of that is in the past, and God will take care of everything now."

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Friday, October 19, 2001

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CAL-ID Palm Print Update, CA DOJ
Palm Print Scanning & Searching Equipment, Current Vendors

Saturday, October 20, 2001

Court Testimony & Daubert, Steve Meagher, FBI
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All materials, lunch, and refreshments are included.

Mail reservations with check or money order to:
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For additional information call George Durgin (714) 834-6499, Durgin@SCAFO.org

**SCAFO
MEETING MINUTES**

Saturday, Aug 4, 2001

LOCATION: Hacienda Hotel, El Segundo

HOST: Elaine Sena-Brown

SECRETARY: Ed Palma

SPEAKER: Ron Moore, Orange County Sheriff's Dept.

PROGRAM: Scent Evidence

Call to Order at 2018 hours (8:18 P.M.) by President Bob Goss.

ATTENDANCE: Past Presidents - Dell Freeman (1973), Jerry Snyder (1981), Joseph Mann (1985), Alan McRoberts (1991), Jim Lawson (1995), Clint Fullen (1998), Art Coleman (2000). Executive Board - All present except, George Durgin and Bill Leo. Members and guests - 86.

GIFTS: Provided by Host Elaine Sena-Brown; Santa Monica POA; Santa Monica Mounted Patrol; Santa Monica Fire Dept.; and UCLA Housing.

OLD BUSINESS:

Second Reading:

Lourdes Aboytes, Student (Associate)
Ana Aragonez, O.C.S.D. (Active)
Erika Eaves, Student (Associate)
Lorna Yvonne Gampon, Student (Associate)
Kai S. Wong, L.A.P.D. (Active)
Motion to Accept: Alan McRoberts
Second: Tom Jones

Swear-Ins by Past President Joseph Mann
Denise Aguilar - Orange County Sheriff's Dept.
Tina Arevalo - (Associate)
Jacqueline R. Arredondo - (Associate)
Melissa K. Goiatz - (Associate)
Christina M. Johnson - San Bernardino Police Dept.
Christine Moore - Orange County Sheriff's Dept.
Amber Utley, San Bernardino Sheriff's Dept.
Michael Utley Jr., - (Associate)
Maria L. Wright-Wilson, - (Associate)

NEW BUSINESS:

First Readings:

Brandy L. Brooks, Burbank Police Dept. (Active)
Recommended by Jeannine Cascadden, Burbank
Teri L. Eklund, San Diego Sheriff's Dept. (Active)
Recommended by Robin Regele, S.D.S.D
Carol Lekowski, Santa Monica P.D. (Active)
Recommended by Leslie Funo, S.M.P.D.
Anne O'Connell, Student (Associate)
Recommended by Diana Castro, L.A.P.D.
Mark A. Waldo, Santa Ana Police Dept. (Active)
Recommended by Gary Jackson, O.C.S.D.
Heather Wigington, Student (Associate)
Recommended by Ed Palma, S.D.P.D.

ANNOUNCEMENTS:

Next Meeting:

Cal-Poly Pomona
11th Annual Forensic Training Seminar
Date/Time: Oct 19-20, 2001
Host: George Durgin

MISC. Requesting nominations for Seargent of Arms, and two Directors to be voted on at the October meeting.

Attendance Drawing: not won by Kristine Duran, Paul Segura, or Jose Torres No Winners: cash amount now \$50.00!

Door Prizes won by 28 members and guests in attendance.
Motion to Adjourn by: Steve Tillmann

Seconded by: Marvin Sprylene.

Meeting Adjourned at: 2107 hours (9:07 P.M.)

NOMINATIONS: 2002 SCAFO Executive Board

Nominations for the following Offices are being accepted, and will be accepted until the close of the nomination agenda during the October 20, 2001 SCAFO business meeting:

President, First Vice-President, Second Vice-President, Secretary, Sergeant-at-Arms, and for two Directors

Only members of the Association who are Active and Life Members in good standing shall be eligible to the elective offices of this Association.

Please call, fax or mail your nominations to Dennis Uyeda, Nominations Chairman. Mailed nominations must be received by Wednesday, October 17, 2001.

Dennis Uyeda
PO Box 1594 Fair Oaks, CA 95628-1594

Work (916) 227-3314 (Tue - Fri 7am to 3pm)
Fax (916) 456-9084

From the Editor's Desk

Some of you may have heard that Dave Grieve has retired as editor of the *Journal of Forensic Identification*. The IAI Executive Board has appointed us (Debra and I) as Associate Editor and Editor. This change is effective with the January 2002 issue of the JFI. This happens to coincide with my intended retirement from LASD. While we enjoy and will continue producing *The Print*, it occurs to me that someone else may be interested in holding the SCAFO Editor position. As holding two editor positions seems a little selfish, I will forgo the honor, if another member is interested in the position. Anyone who is interested should contact me, or a board member, and I will use them as an assistant editor for the remainder of my two-year term (2001-2002). In the absence of a volunteer, and if the dual deadlines are not overly stressful during the next year, I can foresee another two-year term.

PRESIDENT'S MESSAGE

What a pleasure I had having an opportunity to talk with many members and guests present at the August meeting. Trying to keep up with members changing jobs, promotions, retirements, and family life can be time consuming but very worth while, especially when we only see each other every other month or so. Thank you all for those moments.

Forensic Specialist III and Reserve Deputy Sheriff Ron Moore of Orange County Sheriff's Department gave an impressive presentation on "Scent Evidence." How interesting that science is still trying to understand how scent dogs (bloodhounds, Labrador retrievers, etc.) distinguish one scent from another. What also was surprising was the length of time scents could remain in large areas under the right conditions. Congratulations to Director Elaine Sena-Brown for scheduling the guest speaker. Great turn out with 86 attendees.

Past Presidents of SCAFO present were Dell Freeman (1973), Jerry Snyder (1981), Joseph Mann (1985), Alan McRoberts (1991), Jim Lawson (1995), Clint Fullen (1998) and Art Coleman (2000). Your presence is always a welcomed sight.

The 11th Annual Forensic Training Seminar by SCAFO is coming up on October 19th and 20th at Cal Poly University, Pomona. Registration information has been mailed to members and is included in this issue of The Print. First Vice-President George has put together an outstanding variety of training subjects. See you there!

Nominations for 2002 Executive Board offices are being accepted at this time. Please refer to the nomination announcement in this issue of The Print. During the business meeting on Saturday, October 20th, nominations will also be accepted from the floor until closed. Voting will follow the closure of nominations. A reminder to all, only

Active and Life Members in good standing shall be eligible to the elective offices of this Association. Only Active and Life Members in good standing may vote at these elections.

Did you meet someone new at the August meeting?

Fraternally,

Bob Goss, President
(909) 388-4904
goss@scafo.org



Upcoming SCAFO Meeting

December 8, 2001

Christmas Dinner & Installation of Officers

Cocktails 4:30 - 5:30

Dinner 5:30 - 6:30 Meeting 6:30 - ?

Light House Inn, Point Loma Naval Submarine Base
San Diego, CA

For more information contact:
Gina Russell, Escondido P.D., 760-839-4770

"Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere."

- President Theodore Roosevelt, 1908

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*-- Upcoming Events/Schools/Seminars --*

October 19 - 20, 2001

**S.C.A.F.O. Seminar**  
Cal-Poly Pomona  
Coordinator George Durgin  
Orange County Sheriff's Department

December 1, 2001

**S.C.A.F.O. Meeting**  
Host George Durgin  
Orange County Sheriff's Department

April 7 - 11, 2001

C.S.D.I.A.I.  
Monterey, CA  
Host Tony Clark-Stewart

August 4 - 10, 2002

International Association for Identification  
Las Vegas, Nevada

July 6 - 11, 2003

International Association for Identification  
Ottawa, Ontario, Canada

Southern California Association of Fingerprint Officers  
An Association for Scientific Investigation and Identification Since 1937