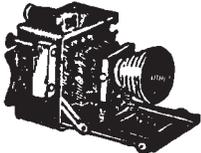




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Fingerprints: Infallible Evidence?

(This article was downloaded from CBSNEWS.com, July 20, 2003)

For as long as anyone can remember, fingerprint evidence has been accepted as foolproof. Even today, in the age of DNA, fingerprint evidence still plays a leading role in solving crimes.

Juries believe if you've got a match, you've got your man - and sometimes just the mention of fingerprint evidence is enough to get a defendant to confess or a defense attorney to cut a deal.

But, as Correspondent Lesley Stahl reported last January, if fingerprint evidence is that definitive, what happened to Rick Jackson should never have happened.

When the police in Upper Darby, Pa., arrested Rick Jackson, they told him they had solid evidence that he had committed a gruesome murder - his friend's murder.

They said they had his bloody fingerprints, and showed Jackson Polaroids of what they said were his fingerprints.

"I actually felt relieved because I knew there was no way they could be, and that it was just going to be a matter of like, 'Ah, somebody made a mistake,'" says Jackson.

His father, Richard Jackson Sr., was with him when he was taken into custody. He says the local police told him their own fingerprint experts had made the match: "Several of them, with their professional experience, had read these prints, and they, without a doubt, knew they were my son's."

He hired a local attorney, Mike Malloy, to defend his son.

Malloy decided to call in his own expert, retired FBI examiner George Wynn, who drove up from his home in Virginia to see the evidence firsthand.

"When we leave the police department that day, he turns to me, in his southern drawl, and says to me, 'Michael, those prints don't match,'" recalls Malloy.

For a second opinion, Wynn sent the evidence to another former FBI examiner, Vernon McCloud. Between them, the two experts had 75 years of fingerprint experience.

"McCloud did to Wynn what Wynn had done to me and called up and said, 'Are you kidding me?'" says Malloy. "The expression that they would continually say to me was, 'It's not even a close call.'"

On TV, fingerprints are matched automatically, by computer. But that never happens in real-life forensic work.

Steve Meagher heads up the crime scene fingerprint unit at the FBI. He says a computer, like the one at the Bureau, sorts through a database of 44 million sets of prints, but that merely narrows the search.

And then the humans, the fingerprint examiners, make the actual match the way they always have - by eye. In fact, it's arduous work involving human judgment. An examiner can spend hours, even days, analyzing a fragment of a fingerprint.

Usually, police lift only fragments at a crime scene, and they can be contaminated or distorted. The first thing an examiner compares is what's called ridge flow.

An examiner studies the width of the ridges and the direction in which they flow. "We could select any ridge that we wanted and follow the path of the ridge. At this point, you'd see a bifurcation [point of similarity]," says Meagher, who looked at several of those points and double-checked to make sure there wasn't the slightest discrepancy between the two.

Robert Epstein, a public defender in Philadelphia, is challenging the very notion that fingerprint identification is absolute, something he began to question four years ago when he was assigned to an armed robbery case, where the critical evidence was two partial fingerprints.

The uncertainty in his own mind led him to do some research, and he says he discovered that not only has there never been a study of the reliability of crime-scene fingerprint matching, there are no agreed-upon standards for what constitutes a match.

"There's complete disagreement amongst fingerprint examiners themselves as to what they need to see in order to declare a match," says Epstein.

In Italy, for example, examiners say they have to see 16 or 17 points of similarity. In Brazil, it's 30; in Sweden, it's seven points; and in Australia, it's 12. And most examiners in the U.S., including those at the FBI, don't even use a point system.

Robert Epstein did something audacious. In a pretrial hearing, he argued that since the reliability of fingerprint matching had never been tested or proven, it should be barred as evidence from the courtroom.

"There isn't a single experiment that's ever been done, literally," says Dr. Ralph Haber, a forensic scientist.

Haber thinks Epstein is on to something, and he says he's ready to do the research to test reliability himself, if law enforcement will cooperate.

Over the last 100 years, there have been only a handful of cases where convictions have been reversed because of faulty fingerprint identification, but that doesn't mean examiners don't make mistakes. In fact, there's plenty of evidence they make lots of mistakes. Consider the certification tests given by the International Association of Identification, or IAI, which only professionals who are already working in the field can take.

"Half of the examiners who take the test fail it. There are 15 items. They can make no more than three mistakes, and they're out," says Haber.

But that doesn't mean they can't do analysis anymore. "Virtually no crime laboratory requires that you be certified to work in the lab, even in the FBI lab," says Haber.

Malloy, Jackson's defense lawyer, says he runs up against the same problem in court. Judges don't require that fingerprint experts who testify be certified.

"The underlying problem is not the evidence itself, but is who's allowed to be qualified as an expert," said Malloy. "The police experts were really just your local police officer, I mean, who, on a given day, might do anything from getting the cat out of the tree to examining the fingerprints."

The two local officers, along with a third certified examiner from out of state, testified that the bloody prints were - with 100 percent certainty - Rick Jackson's. But the defense experts, both IAI certified, swore that the prints could not be Jackson's.

If fingerprint identification is an exact science, as the FBI claims, a situation like this should never have occurred. But the judge allowed it, and after a two-week trial, the jury returned a verdict in a matter of hours. Rick Jackson was found guilty of first-degree murder.

Jackson began serving a life sentence, with no chance of parole. In the meantime, Epstein lost his bid to have fingerprint evidence barred from his trial, and his client was also convicted. But his effort has spawned a wave of similar challenges.

"It's hardly surprising that trial judges around the country didn't, all of a sudden, start excluding fingerprint evidence from the courtroom. This is the kind of issue that has to be raised and raised again, and people have to hear about it, and it has to sink in," says Epstein.

It's not the judge's fear of appeals, says Meagher, the FBI's fingerprint expert. He says they're rejecting the challenges because they accept this point: that fingerprint analysis is a reliable science, and it shouldn't be confused with the question of human fallibility.

"We're winning 41 times out of 41 challenges. I think that says something. We have 100 years of experience. Let's make sure that that's clearly out there. And if it wasn't reliable, this certainly would have been discovered many, many years ago," says Meagher.

It may be reliable in the abstract, but fingerprints come down to human judgment, subject to human error, as the case of Rick Jackson demonstrates.

His experts, outraged by the verdict, appealed to the IAI for a review of the prints and got a conclusion that they were not Rick Jackson's.

That eventually led the district attorney to ask the FBI for an opinion, something Jackson's attorney had asked for during the trial. When the FBI analyzed the prints, it determined the prosecution experts had been wrong.

With the prosecution experts discredited, the district attorney finally released Rick Jackson after he had spent more than two years behind bars.

As for the prosecution experts, the out-of-state examiner was decertified and lost his job - but not the two local officers.

"The men who put my son away for over two years are still allowed, and have never been removed from, the ability to read prints," says Jackson Sr.

Since 60 Minutes first reported this story, Rick Jackson was back in court. He sued one of the police officers who testified that this bloody prints had been found at the crime scene. Although three FBI experts testified that the prints were not his, Jackson lost his suit.

Robert Epstein went back to court as well, he's appealing his client's conviction. One of the issues: the validity of fingerprint evidence.

DNA Extractable from Fingerprints

(This article was downloaded July 31, 2003, from www.upi.com.)

By **CHARLES CHOI**
UPI Science News

NEW YORK, July 31 (UPI) -- Even if the only evidence forensic analysts can pull from a crime scene is a fingerprint smudged beyond recognition, a new technique developed by Canadian scientists soon could harvest enough DNA from the print to produce a genetic identity.

The novel system can extract DNA in only 15 minutes, even if a print has been stored for a year. Scientists expect the invention to help crime-fighters solve mysteries, and already are in talks with the Royal Canadian Mounted Police. In addition, researchers predict the technology could be at least twice as cheap as existing DNA collection methods.

"If you wanted to use blood as a source of DNA, you have fear of contamination, people who don't want to give it, storage issues, and you have to sign a lot of paperwork to get it," research scientist Maria Viaznikova of the Ottawa University Heart Institute in Canada told United Press International. "We can now have DNA reliably and simply with our method."

Viaznikova said her team's method consistently yields 10 billionths of a gram of DNA, on average, from a single fingerprint. The findings were revealed at the American Society for Microbiology's nanotechnology conference in New York earlier this month. Although 10 "nanograms" might not sound like much, for DNA analysis, even 0.1 nanogram is enough, Viaznikova said. "Scientists try not to use less than 5 to 10 nanograms, so this is fine."

She said forensic scientists have known for about five years that fingerprints contain DNA. However, commonly used extraction techniques need several hours or even days of lab work. "We can do it in 15 minutes," she added.

The new extraction technique is under patent. When compared with existing methods, "it is at least as twice less expensive, maybe more," Viaznikova said.

The most immediate application such a technique could find is with forensics, said molecular biologist Margaret Wallace of John Jay College in New York and one-time DNA analyst for the city's chief medical examiner's office.

“It could save a lot of time, particularly given we have this huge backlog on DNA that needs to be analyzed,” Wallace told UPI. “There are hundreds of thousands of samples that need to be looked at now.”

Wallace still wants to know how well the process works on fingerprints gleaned from a variety of surfaces and kept in a variety of temperature and humidity conditions. “It’s also possible that some people leave more DNA in their prints than others,” she said.

Because the method is so simple and cheap, with far less overhead required than needle-based DNA sampling, experts say this could help make DNA gathering a commonplace activity -- thereby also raising privacy issues.

“DNA is unique, extremely revealing about you and your family members,” privacy specialist Jay Stanley of the American Civil Liberties Union in Washington, D.C., told UPI. “This advance really highlights the need for laws to protect the privacy in the face of these kinds of technologies.”

Stanley said because genetics experts have told him it inevitably will become easier to test DNA, “we need legal frameworks to figure out how to protect privacy in the face of this.” For example, silicone chips from biophysicist Stephen Quake’s lab at the California Institute of Technology, in Pasadena, could in the next 10 years sequence an entire person’s genetic code cheaply and in a few days, he noted.

“I don’t think anybody objects to samples from crime scenes. I think using DNA to catch murderers is a fine thing,” Stanley said. “But we need to be cognizant of greater implications. We’re going to be facing issues about how to keep DNA private from lawyers, governments, insurance companies, even nosy neighbors. It raises issues of employment discrimination, because employers have a natural incentive to hire healthy workers, and always have an incentive to discriminate against you by DNA, as long as health insurance is provided by the workplace.”

He added: “Or think about schoolchildren checking out each other’s genetic profiles, or having profiles posted on the Internet. The fact is, there are heavy incentives to collect this information.”

Electronic Frontier Foundation staff technologist Dan Moniz said he thinks the technique could be helpful to nab crooks, but he wonders about further implications in law.

“People already have fingerprints taken of them. Will it just become part of the standard booking procedure? Will you be notified that they’re taking DNA? Can you refuse to give fingerprints if you don’t want DNA taken?” he asked.

Moniz told UPI there are four directions he would like to see the question of DNA collection from prints go. “First, I want to know who’s using this technology. I want to be notified right up front, at the police department, hospital, HMO, anything. No surreptitious extraction,” he said.

“I should have a right of refusal and I should receive no special treatment if I do refuse it,” he continued. “Finally, I should have a clear statement of who has full control of it, to make sure it does not get (contracted) out.”

Moniz said the problems of outsourcing the collection of genetic information is a violation of privacy that goes beyond the potential for discrimination. “Will you get marketed on a genetic level? To be somewhat facetious, is this a new piece of the puzzle of the already omnipresent spam about penile enhancement?”

Although the method “can be used for DNA identification for sure,” Viaznikova said -- people have stretches of inactive “junk DNA” whose patterns are as unique to them as their fingerprints -- she added that her group also has a more ambitious goal for their method: extracting enough undamaged DNA from fingerprints to study the active DNA that actually drive survival.

“Our interest is in the heart. If a patient goes to a doctor, in future perhaps the doctor can identify if a person has some kind of gene that can one day lead to heart failure,” Viaznikova said. “We think we can use our technique for DNA profiling. It’s not proved yet, but we’re going to try and do it.”

[Editor-The thought of using smudged fingerprints that are insufficient to substantiate an individualization is intriguing. However, with new technology, new burdens of responsibility may evolve (e.g., the bolded print in the article on the facing page). It is hard to fathom the DNA backlog that would exist if we were required to process all the unidentified latents. And then the discussion regarding the preservation of insufficient prints for exculpatory purposes takes on new dimensions.]

Buck Prosecution Wraps Up Case

(This article is reprinted from the August 15, 2003, online edition, www.dailyinterlake.com, of "The Daily Inter Lake".)

By **CHERY SABOL**

The Daily Inter Lake

County Attorney Ed Corrigan finished his murder case against Joseph Buck Thursday afternoon; today, Buck's lawyer has his chance.

In the past four days, Corrigan called witnesses who said Buck confessed to them about beating George Evans, who was found murdered in his Airport Road home last October.

Corrigan called a witness who said she saw Buck leaving Evans' home just hours before the killing was discovered. He called a police officer who testified that Buck confessed to him and a forensic scientist who said that Buck's blood was present in Evans' house.

And he introduced a heap of evidence that includes photographs, five broken rifles he says Buck used to beat Evans to death, diagrams and even a blood-spattered door.

Thursday, the jury saw a police videotape of the crime scene. They heard from the lead investigating officer, Greg Burns, and from a crime-lab scientist from Missoula.

Through it all, Buck sat docilely in the courtroom, his broken hand set in a cast after an outburst during Wednesday's testimony. Then, Buck's friend and cousin, John Keys, testified that Buck confided that he might have killed Evans.

Both Buck and Keys were in tears during the testimony and then Buck erupted at Corrigan, swearing at him and slugging a wall as he was led away.

Jail officials said Thursday that Buck broke his hand and was taken to the hospital to have it cast Wednesday at the conclusion of the court day.

If Buck's attorney, Mark Sullivan, calls only the one or two witnesses he's expected to question, the case could go to the jury today. Buck isn't expected to testify on his own behalf.

Sullivan's cross examination of Corrigan's witnesses in the first four days focused on questions about how evidence was gathered and tested.

Thursday, he asked a crime-lab scientist why not all the evidence collected at the crime scene was analyzed. Some fingerprints at the scene couldn't be identified and **Sullivan asked why DNA tests weren't made of the fingerprint materials.** That technology isn't used at the state crime lab.

Buck faces up to 100 years in prison if convicted of deliberate homicide, plus up to 20 years if convicted of burglarizing Evans' home and business.

Trial Starts in Death of Jeweler

(This article is reprinted from the July 22, 2003, online edition of the Press-Enterprise.)

By **TIM GREENDA**

SAN BERNARDINO - A trail of bloody fingerprints leads to the man who brutally killed a San Bernardino jewelry store owner during a robbery four years ago, a prosecutor told jurors Monday.

"There was blood all over the place," said Deputy District Attorney David Whitney in his opening statement. "The attack occurred in a very vicious manner and in a fierce struggle."

Fingerprints and blood found inside the Highland Avenue store of Marshall Adams, 74, link defendant Jad Issa Salem to Adams' slaying, Whitney said.

Investigators determined that Adams was beaten inside his store, then dragged by his arms into a back room, where he was repeatedly stabbed. His wallet and 3-carat diamond ring, along with several pieces of jewelry from display cases, were taken.

Adams taught in San Bernardino public schools for 25 years before he retired in the late 1980s and opened his shop in the Flowerland Plaza, his son, Stephen Adams, testified Monday.

Salem, 23, a Jordanian citizen who was living in the United States on a visa, was arrested in Texas on suspicion of drug trafficking two weeks after Adams was killed.

Fingerprints from that arrest were placed in a national fingerprint database and a match was later made with prints found in Adams' store, Whitney said.

DNA-testing results also will reveal that blood at the scene belongs to Salem, Whitney said. Salem's blood or fingerprints were found on a knife, several doorknobs, security bars on a window and a store catalogue, he said.

Salem's attorney, Duane Dade, made no opening statement to jurors.

Prosecutors are seeking life in prison without parole for Salem. Another suspect believed to be with Salem when Adams was killed never has been identified, officials said.

Salem, dressed in a gray suit, listened intently to testimony on the first day of his trial.

Whitney said Salem had met with Adams several times about a ring Salem wanted to buy for his girlfriend. Adams always kept the doors to his store locked and would have had to let his killer in, Whitney said.

A customer became worried and called police when Adams did not answer the door for her appointment and she saw a chair toppled inside.

Testimony in Salem's trial was scheduled to continue today in the courtroom of Superior Court Judge James Edwards.

A Synopsis of “The Topographic History of the Volar Pads (Walking Pads; Tastbellen) in the Human Embryo”

(This article is reprinted from the March 2003 issue of *Identification Canada*.)

By JAMES GALLANT

Regional Forensic Identification Service
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Introduction:

This paper deals with the development of the volar pads in the human embryo. There is an attempt to describe the progressive steps in this development during the gestation period of the fetus. There is also an attempt to correlate the development of the volar pads with other dermatoglyphic features. Dermatoglyphics is a term used for skin markings applying to ridges and their arrangements.

Volar pads are eminences found on the plantar and palmar surfaces of human beings where one would find friction ridge skin. All fetuses develop pads in conformity to a morphologic plan. There is considerable variation in the time relations of the appearance and regression of these pads.

Whipple (1904) in her survey of the pads and dermatoglyphs, as well as Schlaginhaufen (1905) in a similar account, drew several generalizations relating to volar pads. Many mammals are provided with pads. In the Pentadactylous forms there are typically eleven pads disposed in a systematic arrangement. Five of the pads are located on the terminal segments of the digits and the remaining six occur on the palm or sole. The disposition of the pads on the palm and sole, while generally conforming to an orderly plan, often present variations, which make it difficult to identify single pads. For example, Wilder (1897) has shown, that the large trilobed volar pad developed in the cat is the product of fusion of three distinct pads, the second, third and fourth interdigital pads. Man poses a problem in that the pads are only visible during early gestation and are not clearly defined in an adult. In order to study volar pads in man it would be necessary to study human fetuses, specifically the hands and feet. According to Cummins this was a difficult task as these eminences are difficult to see.

Method:

In order to conduct this study Cummins obtained 202 embryos and fetuses from a collection at the Carnegie Institution, their crown-to-rump measurements ranged from 17 mm to 341 mm. These specimens were evenly distributed between the stated extremes. Great care was taken to select specimens in a state of preservation suitable for conducting a critical study of the pads. Instances of mechanical distortion of the hands and feet, extreme flexion of the hands, maceration, as well as apparent shrinkage and swelling, were thus eliminated by preliminary inspection. The specimens were subsequently graded and a system of quality control implemented where the affects of preservation etc. was taken into account. Varied illumination was utilized along with a binocular dissecting microscope except in the case of the hands and feet of very large fetuses. The reliefs were inspected from all directions in hopes of showing them sharply. Left hands and left feet were chosen for most of the published illustrations, so that the figures might be the more easily compared and photographed.

Earlier Studies:

“The publications of Johnson (1899) and of Retzius (1904) represent the main body of literature relating to the volar pads of the human embryo... Johnson’s chief material consists of a series of 21 embryos, ranging from 13 to 150 mm, with some very poorly preserved specimens. It is evident that many of the embryos, even those principally studied, are not in a favorable state of preservation. Johnson not only deplors the condition of his specimens, but in referring to a table representing the development of the pads in the series he ascribes the variation among specimens of equivalent size to faulty preservation” [1].

Johnson’s conclusions were:

- I. There are upon the sole of the human fetus of two to three months, four mounds situated interdigitally along the line of the metatarso-phalangeal joints. Three mounds exist in a similar situation upon the palm of the fetus of the same age. In the foot the mounds disappear. Upon the hand they persist as the less definite “mounts” of palmistry.
- II. These mounds are homologous with the walking pads of some mammals, and have a direct relation to the “centers of disturbance” of the epidermic ridges upon the palms and soles of man and other primates.
- III. Corresponding with a poorer development of these mounds upon the hand than on the foot in the fetus, the “centers of disturbance” occur upon the foot more frequently than upon the hand in the adult.

In his description Johnson failed to observe the full number of pads, which in all probability was due to the condition of his material.

Retzius points out that, palmar pads are more advanced in their development, as compared with those of the sole, just as the hand anticipates the foot in other aspects of its early development. Also, the latter half of the gestation period is characterized, with some individual exceptions, by further regression that results in the relief of the hand being comparable to that of an adult. In the foot, four or five distal metatarsal pads are defined at the beginning of the third month. The ulnar-most pad corresponds to the distal component of the hypothenar. It is questionable that Retzius defined the distal component of the thenar although it is shown in some of his figures. The remaining distal pads are the hallical and interdigitals. Maximum development of the pads is attained in the latter half of the third month, the apical pads enlarging to hemispherical hillocks. In the fourth and fifth months the pads are lowered and reduced in sharpness of outline. Neither Johnson nor Retzius attempted a morphological analysis of the human embryonic pads.

Some of the findings of Whipple, Schlaginhaufen, Kidd and Klaatsch are summarized below;

- (1) The position of the pads establishes their identities.
- (2) Typically in a pentadactylous mammal the typical complement of pads is eleven, composed of five apical pads, four interdigital pads and two proximal pads (thenar and hypothenar).
- (3) The pads in man appear only indistinctly in the postnatal state, being but little elevated and with ill-defined borders. The full complement of eleven primary pads never can be recognized in a hand or foot.

Whipple discussed secondary pads, which occur in locations unrelated to the characteristic sites of the primary pads. She refers to them as adaptations to the functions of highly specialized chiroidia. Secondary pads possess no constant relationships in mammals generally.

Conclusions:

In trying to summarize this paper by Cummins, I believe that his research has confirmed that the second, third and fourth interdigitals are the first volar pads to appear at about the sixth week of development. All fetuses develop pads in conformity to the morphologic plan. There is considerable variation in the timing of the appearance and regression of pads. There are also variations in the contours, the amount of elevation, the shape of individual pads and the definition of the bound-

aries of their bases. Cummins states that these factors affect the alignment of ridges. These factors are based on variations in the histology of different regions and differential growth of the volar surfaces. The various epidermic configurations are not determined by self-limited mechanism within the skin. The skin possesses the capacity to form ridges, but the alignments of these ridges are as responsive to stresses in growth as the alignment of sand is to sweeping by wind or wave. Triradii, like any other alignments of ridges, are conditioned by growth factors. That their normal disposition is associated with conjunction points of three complex areas of growth is demonstrated in developmental defects of hands and feet. Volar pads in the normal fetus are sites of differential growth, each being responsible for production of one of the local configurations comprised in the morphologic plan of dermatoglyphics [2].

It is significant that the period in which the pads are regressing and their outlines are becoming less evident coincides with the interval of epidermal ridge differentiation. This very much supports the premise of the individuality of fingerprints in that the stressors placed on individual ridge development is so varied that it would be impossible for two fingerprints from different sources to be exactly alike in their ridge detail. Cummins' work goes a long way in supporting this premise. Genetics as well as disease and stressors from the environment in which the fetus finds himself are contributing factors as well.

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Wrong Man Charged in Lodi Assault Case

(This article was downloaded from Lodinews.com.)

By **LAYLA BOHM**
News-Sentinel Staff Writer
August 8, 2003

A man suspected of shooting into a crowd of people in Lodi three years ago was released from custody after a Lodi court appearance Wednesday because fingerprint tests and his lack of tattoos proved he was not the right suspect.

Charged with assault with a deadly weapon and being a previous felon, 29-year-old Bruno Sanchez was cleared of the charges Wednesday.

In addition, Judge J. Thomas Seibly ordered that Sanchez be supplied with a written statement from police so he would not be arrested again.

"It's one of those cases where this guy has the same name, the same build and a similar date of birth," Deputy District Attorney Russell Humphrey said.

The birth month and day were the same, and the year was off by two years, he said.

It all started when Los Angeles sheriff's deputies happened to contact Sanchez last month, thinking they had stopped someone wanted on a Lodi warrant, Humphrey said.

But the suspect described in the April 22, 2000 incident was covered with tattoos, and his fingerprints were on file because he had previously spent time in prison.

After a fingerprint test was conducted at the Lodi Police Department, Humphrey asked the judge to dismiss the case.

Why Sanchez was not fingerprinted in Los Angeles before being brought to Lodi is unclear, Humphrey said Thursday. The prints are usually compared to those on the arrest warrant before a suspect is transferred, he said.

Seibly dismissed the case immediately, and once again issued a \$25,000 arrest warrant for the 31-year-old Bruno Sanchez.

The suspect, who is still outstanding, allegedly fired a gun into a crowd of people after a disturbance, Humphrey said. No one was injured in the incident.

The other Sanchez, meanwhile, would have been released Wednesday, but he was instead turned over to immigration officials due to a hold, Seibly said in court Wednesday.

Humphrey did not know if that hold was simply because Sanchez had been arrested on a felony warrant, or if it related to other matters.

Fingerprints Lead to Arrest in 1969 Slaying

(This article is reprinted from abc13.com)

By **THE ASSOCIATED PRESS**
August 27, 2003

HOUSTON A 58-year-old ex-convict from Texarkana has been arrested and charged with the 1969 murder of a Texas Ranger's sister, who was raped and stabbed on her way to work in downtown Houston.

Houston police say that James Ray Davis confessed to the slaying, but didn't admit to the rape. Police questioned him Monday in Texarkana, where he has been living in a federally funded housing complex.

Davis, who had been a model citizen since his release from prison a decade ago, was arrested and charged Monday in the death of Diane Maxwell Jackson, a 25-year-old single mother.

Her brother, David Maxwell, had asked Houston police to renew their investigation into the case several months ago, using updated technology.

Maxwell, a ranger whose jurisdiction includes Brazoria and Matagorda counties, said the arrest "was just as though a big weight had been lifted off my shoulders."

"My thoughts were about my parents ... being able to go to my parents and tell them that at long last, the murder had been solved," Maxwell told the Houston Chronicle for its Wednesday editions.

Davis, who had never before been considered a suspect, was arrested because police said his finger and palm prints matched those found on the slain woman's car.

After searches in the Houston Police Department and state databases found nothing, the matching prints were found in the FBI's Automated Fingerprint Identification System, which went online three years ago.

Jackson was killed on Dec. 14, 1969, after being forced into a shack behind an abandoned service station.

When Maxwell asked police to take another look at the case, investigators' only hope was the three fingerprints and a partial palm print recovered from Jackson's car. The only witness had been dead for 10 years.

Police needed a confession since anyone walking by the car could have touched it.

Police said Davis was visibly shocked when officers narrowed their questions to his activities in 1969 and 1970 and then said they were from Houston.

“He was definitely nervous,” said homicide Sgt. Jim Ramsey. “In fact, I handed him a photo of (Jackson’s) car, and he acted like he didn’t want to touch it.”

Davis had been in and out of Texas prisons since 1961 for crimes such as possession of stolen property, vehicle theft and burglary, records show. After he was released from prison in Huntsville, nine days before Jackson’s slaying, he stayed in a Houston hotel, Ramsey said.

One month after Jackson was killed, Davis was arrested for auto theft and eventually sent back to prison.

Police said that Davis was arrested in 1976 in Waco for a similar attempted abduction, earning him another stint in prison.

He was granted clemency and freed from prison in July 1992.

Man Convicted in 1980 Stabbing Death

(This article was downloaded from www.stabfordadvocate.com)

By **ASSOCIATED PRESS**

August 20, 2003

NEW BRITAIN, Conn. -- A 51-year-old former carpet installer was convicted of murder and felony murder Tuesday in the 1980 stabbing death of a high school guidance counselor in Burlington.

Omar R. Ali, also known as Herbert L. Ross Sr., was arrested in November 2000, when new technology allowed authorities to match fingerprints at the crime scene with Ali’s, prosecutors said.

Ali’s conviction is one of 10 that resulted from the work of the chief state’s attorney office’s Cold Case Squad, which was created in 1998. State police helped in the Ali investigation.

A Superior Court jury in New Britain convicted Ali, of Waterbury, in the slaying of Darrell K. Ashton, 44. An autopsy showed he was stabbed multiple times and strangled.

Ali, dressed in a gray suit he wore each day of the nine-day trial, stood next to his public defender, Claud Chong, and did not react as the jury forewoman read the verdicts, The Bristol Press reported.

Ali, who did not testify in his own defense, remained imprisoned on a \$1 million bond. He faces up to life in prison when he is sentenced on Oct. 28.

Ashton, who was a guidance counselor at Newington High School, was found dead in the bathroom of his Burlington home on May 11, 1980. His mother and brother found him when they stopped by his house to visit on Mother’s Day weekend.

Police said a stereo and TV were taken from his home, making robbery the likely motive for the crime.

Police found 99 fingerprints at the scene. During the initial investigation they compared those prints to some 130 people, with no success.

After the state put in place a computerized fingerprint matching system, scientists took the old prints and put them in the system, which matched them to Ali’s prints. His fingerprints were on file from other arrests.

DNA analysis technology not yet created at the time of Ashton’s murder also linked Ali to the crime scene.

According to police documents, Ali denied knowing Ashton and said he had never been to Burlington.

But jury members found otherwise.

“Once we put all the pieces together, there was no more doubt in anyone’s mind,” juror Michael Martel told The Hartford Courant. “It fit together. It fit too good.”

The jurors also said they might have had more doubt if Ali had taken the stand to explain why he was in Ashton’s home, a fact they definitively concluded.

“He needed to say, ‘I went there, but I went there with someone else,’” juror Bonnie Allen said. “If he took the stand and said it, it would have raised questions.”

Bill and Sandy Ashton, the victim’s brother and sister-in-law, said in a written statement that they were satisfied with the verdict.

“After 23 years, we finally have peace of mind that the person who took Darrell from our lives will pay the consequences for his actions,” the Ashtons wrote.

[Editor-Isn’t AFIS wonderful!!! What could be better than solving old unsolved cases?]

President's Message

Here we are, closely approaching our training conference. This Summer has been going pretty well for SCAFO. Unfortunately, I missed a President's Message in the last Print, so here is the one that missed the Print and the current message:

Once again, our Board, especially Sergeant at Arms Gina Russell Durgin, came through and had a terrific presenter at our June meeting. Steve Staggs, the Assistant Chief of the U C Riverside Police Department, presented some ingenious ways to take evidentiary photographs. He was even recruited on the spot to be a presenter at our upcoming Training Seminar in October.

Attendance was pretty good too, except for 15 members who made reservations and failed to show up. At \$25 a piece it is costly for SCAFO when it comes to paying for our meetings. All of us must make sure to make reservations on time and cancel in advance if you cannot attend. Making reservations are also important to make sure that we have sufficient space at the meeting and have enough food. We are caught in catch 22, some will not make reservations, show up, then we do not have enough food, and of course those who make reservations do not show up and SCAFO is stuck for their bill. It is up to all of us to support SCAFO, make reservations for our meetings and attend.

The meeting was pretty good for me too. One of the servers presented me the President's Gavel on a silver platter. Someone thought I was doing good and deserved it back. Unfortunately, the display case that was prepared for it was taken and is still missing.

July is the 75th anniversary of the Los Angeles County Sheriff's Department Crime Lab. Our hats off to all of our members from LASD. It is my honor as a former LASD Deputy to say that LASD is one of the finest law enforcement agencies in the Nation, right next to #2 LAPD (just kidding). It was amazing to hear that the two top law enforcement agencies in the World are going to have a combined Crime Lab. I hope that we will have a future meeting and one of the two laboratory directors will enlighten all of us how this will transpire and how work will be shared.

Having worked for five law enforcement agencies and traveled throughout the World, it is amazing to see how terrific law enforcement is in California. We are all a step above. Our members in the Southern California Association of Fingerprint Officers make it possible. By being proactive, providing innovations, and leading the pack, SCAFO will always be out front. Make sure you continue that pride and provide Bill Leo (LASD), leo@scafo.org, some suggestions for speakers and topics at our October Training Seminar that is fast approaching. We will not succeed without your help.

The August meeting was another great meeting, with almost 100 attending, great food, and we could not beat the \$15 for the luncheon. Director Tom Washington did a great job in having San Diego P.D. Latent Print Examiner Jeff Graham talk about the Westerfield homicide trial and evidence. It was also an honor to have 1969 Past President Bob Zippel attending. It sure would have been nice to find the President's Gavel Display Case; however, I managed to hold onto the gavel, so I can bring it to the training conference. It is a shame that our antique gavel is unprotected and without its new display case, just hope it turns up soon.

As we get close to the October training conference, we will need all of you to contribute and attend. Bill Leo is knocking out the training schedule and we are looking forward to having two days of great presentations. Based on the attendance and our great financial status, we are also lowering the conference fee for members. Details are being updated regularly on our website, so be sure to check it for the latest. We have even worked out the details to have three screens to view all presentations. If you have a speaker in mind or something to add to the training conference, PLEASE contact Bill Leo at Leo@SCAFO.org.

We are also going to invite vendors to set up displays. Sergeant at Arms Gina Russell Durgin will be coordinating our vendor exhibits. If you are a vendor or know of a vendor who might be interested in attending please have them contact Gina at Russell@SCAFO.org.

Finally, we are on our way to establishing a latent and ten-print certification program for our members. Details are going to be presented in October and in early 2004 we should be prepared to have our first testing. We will have advance information at the training conference so you can start getting ready. See all of you in October.

*Fraternaly yours,
George Durgin, President*

Nominations are Open

SCAFO elections will be held during
the October seminar.

If you are interested or know someone who is
interested in running for a position
on the executive board,
notify Ed Palma immediately.

(619) 531-2573
palma@scafo.org

MINUTES OF AUGUST MEETING

DATE: August 2, 2003
LOCATION: El Torito Restaurant, San Diego
HOST: Board member, Tom Washington
SECRETARY: Susan Garcia
SPECIAL GUEST: Speaker, Jeffrey Graham, Jr., San Diego PD
PROGRAM: Danielle Van Dam Kidnapping / Homicide Investigation and the Latent Print Evidence

CALL TO ORDER: Lunch was buffet style and guests were invited to start upon arrival. After enjoying the food, the presentation started at 1320, with the association meeting being called to order at 1450. Past President Bob Zipple lead the flag salute. Bob was SCAFO President in 1969 and started as a member in 1958 ! I'm sure that he has noticed a few changes in the organization since 1958, such as no suits and ties and women as members (instead of the entertainment). At least the cost of this meeting was probably close to the prices then, \$15.00

ATTENDANCE:

PAST PRESIDENTS: Robert Zipple (1969), Jim Lawson (1995), Bill Leo (1996), and Steve Tillmann (2002).

EXECUTIVE BOARD: George Durgin, Ed Palma, Dennis Uyeda, Susan Garcia, Steve Tillmann, Lisa DiMeo, Craig Johnson, Tom Washington, Bill Leo, and James Lawson. (Absent: Gina Russel-Durgin, Elaine Sena-Brown, Clark Fogg, and Alan McRoberts).

Members and guests present: 98

GIFTS: Tom Washington, Ed Palma

OLD BUSINESS:

Second Readings:

Leta Houle, Katie Lassite, Rebecca Limon, Steve Staggs, Leila Inniss
Motion to accept: Tom Washington
Second: Theresa Bennett

Swear Ins by Past President Steve Tillmann:
David Cole and Jan Poirer, West Covina PD
Dana Marks, Barona Gaming Commission

NEW BUSINESS:

No First Readings

PROGRAM: A presentation of the latent print evidence developed during the investigation of the 2002 kidnaping and murder of Danielle Van Dam. The presentation also covered the process of obtaining exemplars from a body after decomposition and dehydration have occurred.

ANNOUNCEMENTS:

Next meeting: 12th Annual Forensic Training Seminar to be held October 3 & 4, 2003, at Embassy Suites West Covina.

ATTENDANCE DRAWING of \$25.00 not won:
Stacey Wright, Andrea Dillon, or Susie Cabrera.

DOOR PRIZES: Won by 30 members in attendance.

MOTION TO ADJOURN:

Craig Johnson
Second: Bill Leo

MEETING ADJOURNED: 1505 hours

Executive Board Meeting was held at 1525 hours.

Final decisions were made regarding the training seminar. The board approved the purchase of an LCD projector. Also discussed was the possibility of a Scholarship and Research Grant program. Meeting adjourned at 1620 hours.



**Upcoming
SCAFO Meeting**

October 3 & 4, 2003

See SCAFO website or flyer for details

**Embassy Suites
1211 East Garvey St.
Covina, CA**

For additional information contact:
Steve Tillmann (213) 989-5145
or
Bill Leo (213) 989-2163

"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

For subscription or membership information, or address corrections contact:

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\$20.00 yearly subscription (attendance required for membership)
\$30.00 yearly for International Subscriptions

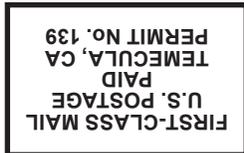
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San Bernardino, CA 92401
(909) 384-5701
\$25.00 yearly membership

I.A.I. Joe Polski, Chief Operations Officer
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\$60.00 yearly membership



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SCAFO Members
get "yourname@scafo.org".
See instructions on the
website's email page.

-- Upcoming Events/Schools/Seminars--

- | | |
|------------------------|---|
| October 3-4, 2003 | <i>S.C.A.F.O. Annual Training Seminar</i>
Bill Leo
Los Angeles Sheriff's Department |
| December 6, 2003 | <i>S.C.A.F.O. Meeting</i>
Ed Palma
San Diego Police Department |
| February 2004 | <i>S.C.A.F.O. Meeting</i>
Lisa DiMeo
Arcana Forensic Services |
| February 16 - 21, 2004 | A.A.F.S. Annual Meeting
Dallas, TX |
| May 10 - 13, 2004 | C.S.D.I.A.I. 88th Annual Conference
Sacramento, CA |
| August 7 - 13, 2004 | International Association for Identification
St. Louis, MO |

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