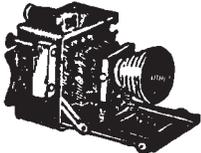




THE PRINT

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

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U.S. Loses Faith In Fingerprints

The FBI identified a Kansas native -- with 100 percent certainty, and completely wrongly -- as a suspect in the Madrid train bombings.

(This article was downloaded from the June 13, 2004, issue of the Wichita Eagle.)

BY DAVID HEATH

Seattle Times

SEATTLE - Only a single piece of evidence linked Kansas native Brandon Mayfield to terrorist train bombings in Spain. Yet it was powerful evidence.

Not just one but three FBI examiners concluded that a fingerprint left on a bag of detonators linked to the March 11 attack that left 191 dead came from Mayfield. They were so sure of their finding that they called it a "100 percent identification."

But the FBI's steadfast claim of a "zero error rate" in its fingerprint identifications would be shattered days later when Spanish police announced that the fingerprint came from an Algerian suspect. In a stunning reversal, the FBI admitted it was wrong and apologized to Mayfield.

The mistake has tainted the FBI's once-vaunted reputation for fingerprint work. Yet some legal and forensic experts say the blunder comes as no surprise because the bureau fails to rigorously train, test and oversee its examiners.

The FBI says it is reviewing its practices and may issue new rules for what to do when given photographs rather than the original print to analyze, as happened in the Mayfield case.

The FBI blunder may prove to be a watershed event in fingerprint identification, prompting aggressive court challenges to a forensic science that had previously been accepted by many as infallible.

Although fingerprint identification is called a forensic science, few examiners at the FBI or elsewhere are trained scientists. There are no national standards for becoming a fingerprint examiner. You don't need a college degree. You don't need a license.

Most FBI examiners, including Terry Green, who first identified Mayfield's fingerprint as a match, aren't certified.

The FBI, which has resisted outside reviews, does have proficiency tests that examiners must take each year. In a court review of 447 tests taken from 1995 to 2001, examiners missed only three identifications -- less than a 1 percent error rate.

However, this seemingly sterling record isn't proof of extraordinary expertise at the FBI because the test is so easy, said Allan Bayle, a top fingerprint expert formerly of Scotland Yard.

"If I gave my experts these tests, they'd fall about laughing," Bayle once testified.

The FBI tests its examiners using fingerprints that are much clearer and more complete than the latent prints typically lifted at crime scenes, Bayle said. Also, the prints used in the test don't change from one year to the next, so examiners could remember the answers from the year before. Finally, the test was watered down in 1998 and no longer includes prints that do not have a match, a way to see if examiners make "false positive" identifications, as happened to Mayfield.

The notion that every fingerprint is unique has never been proven scientifically. And there are no recognized standards among fingerprint examiners for what constitutes a match, such as a minimum number of uniquely identifiable points.

Bayle, who analyzed the Madrid and Mayfield prints at the request of Mayfield's lawyers, said the FBI failed to look at the whole print, missing obvious differences.

The question now, in Bayle's view, is: How many innocent people are in prison because of mistakes by the FBI's fingerprint lab?

A Leap for Justice

(This article was downloaded from the April 19, 2004, issue of the the Pittsburgh Tribune-Review.)

By **DAVID CONTI**

Two tiny bottles of an experimental chemical have joined the powders, dyes, scopes and ultraviolet lights that city investigators tote to a murder scene.

The chemical -- called RTX -- could revolutionize homicide investigations. Currently, only in the rarest of cases have police found and lifted the fingerprints left on a victim's body. In the lab, RTX can highlight fingerprints left on skin and other porous materials.

"That would be such a powerful discovery, to be able to consistently say who touched that person in the heat of passion," said Wayne Reutzel, chief of latent fingerprint identification in the Allegheny County Coroner's forensic lab. "Lifting prints from bodies is really the next leap in fingerprint technology."

Pittsburgh police, led by city crime unit Sgt. Paul McComb and with the help of the county coroner's office, have begun experimenting with RTX. Police bought two \$250 bottles of the chemical in January from the Japanese chemist who created it. McComb and Reutzel said they are ready to use it in the right case, namely homicides in which police strongly suspect the killer has touched the body.

When Noreen Apjok was found half naked, beaten and suffocated in a Lincoln Park picnic shelter in October, police tried to get prints from her body using traditional methods because they did not have RTX at the time.

"That's the kind of case we need this for, brutal crimes where the killer may have left behind the only evidence we might get," said deputy city police Chief William Mullen.

RTX is short for ruthenium tetroxide, a volatile chemical that adheres to the fatty materials in the oil people secrete from hair follicles. The oil is transferred to the fingers when people touch the hair follicles. RTX was designed and is sold by Kenzoh Mashiko, a retired chemist who worked in Japanese crime labs for more than 30 years

In 1997, Mashiko conducted scientific trials that showed RTX liquid or its fumes could highlight fingerprints on skin and other porous materials.

"Clinical trials have shown various different methods can work sometimes," said retired Miami crime scene investigator William Sampson, of Tallahassee, Fla., who with his wife Karen has published several papers on fingerprint recovery. "What needs to be documented is how they work in the field."

McComb said he heard of the product through the International Association for Identification, a professional group of forensic investigators, and decided to give it a try.

"I touched my arm with my finger, put the RTX on and the print came up," McComb said of his first experience with a sample several months ago. "That showed me at least this was worth a try."

Retired city police Cmdr. Ron Freeman and McComb also convinced Dr. Cyril Wecht, the county coroner, to allow investigators to try RTX on dead bodies at the morgue. The RTX worked in some cases, but not in others. They key is to find out why.

Reutzel said investigators need to document everything, and to try RTX under many conditions.

"Different temperatures and the time between when the print is placed and when it's lifted are going to be important," he said. "And then you need to do it over and over to see if the results are consistent."

Sampson said he has found 60 cases in the past 30 years in which investigators got prints from a body. RTX was not used in any of them, but several similar chemicals have worked in 11 cases.

Sampson said that in all but four of the 60 cases he has documented, the prints were lifted under controlled conditions, usually at the morgue or in a lab.

Appeals Court Issues Favorable Ruling on Fingerprint Evidence

(This May 1, 2004, article was downloaded from www.phillyburbs.com.)

By: **DAVID B. CARUSO**

PHILADELPHIA - The practice of identifying crime suspects through their fingerprints has come under attack in recent years from some forensic specialists who say the practice is too subjective to be considered science at all.

But in a meaty 61-page opinion, a federal appeals court said Thursday that there were “good grounds” to allow fingerprint identification evidence to continue being used at trial.

The 3rd U.S. Circuit Court of Appeals said in its decision that it was stopping short of issuing a categorical rule that fingerprint identification evidence was admissible in courts within its jurisdiction, but said it expected its opinion to offer “strong guidance” to judges.

In ruling, the court shot down an appeal by a man accused of armed robbery who had argued before a lower court that fingerprint examination was too unreliable.

The case involved a 1991 heist in which a group of men was accused of taking \$20,000 from an armored car driver in North Philadelphia. During the investigation, authorities allegedly discovered the prints of Byron Mitchell, the man accused of being the getaway driver, on a gearshift and driver’s side door.

During a five-day hearing, Mitchell’s attorneys presented testimony from expert witnesses who criticized techniques for using the partial fingerprint smudges left at crime scenes to identify suspects.

Dr. David Stoney, the director of the McCrone Research Institute in Chicago, testified that the process of matching those latent prints to the clearer prints taken of suspects at police stations was “not a scientific determination ... it is a subjective determination without objective standards to it.”

James Starrs, a professor in the Department of Forensic Sciences at George Washington University, said “fingerprint comparison and analysis is not predicated on a sound and adequate scientific basis.”

In the end, the judge hearing the case allowed the fingerprint evidence to be presented and said both sides could present evidence at trial challenging the reliability of the tests. But the judge precluded the defense from

introducing evidence challenging the scientific validity of fingerprint identification.

The 3rd Circuit upheld that decision, and said it would leave future determinations about the admissibility of fingerprint evidence in the hands of judges.

It also offered, though, that the overall error rate in fingerprint examination “appears to be microscopic.” The court said “most factors support (or at least do not disfavor) admitting the government’s latent fingerprint identification evidence.”

Some judges have shown a recent willingness to reconsider the reliability of fingerprint matching techniques.

In 2002 a federal judge in Philadelphia stunned prosecutors by barring expert witnesses in a death penalty case from saying that a suspect’s print was a definite match with one found at a crime scene.

The judge later reversed the decision, but legal analysts said it might embolden other defense attorneys to challenge the admissibility of fingerprint testimony.



**Upcoming
SCAFO Meeting**

August 14, 2004

Joshua Evarts
Trancite Logic Systems

**Stevens Steak House
City of Commerce**

For additional information contact:
Mari Johnson or Sarah Watson
(800) 974-4522
johnson@scafo.org / garcia@scafo.org

Identical Twins Complicate Use of DNA Testing

(This article was downloaded from the June 3, 2004, issue of USA Today.)

By **RICHARD WILLING**
USA TODAY

In a circumstance that is becoming increasingly common, identical twins have been matched through DNA to a single crime that only one man could have committed.

A DNA sample from Tyrone Cooper, 36, matches genetic material recovered after the unsolved 1999 rape of a Grand Rapids, Mich., college student, a Grand Rapids police spokesman, Sgt. Tim Williams, said Wednesday. In April, technicians at the Michigan State Police crime lab had matched the rape-scene sample to DNA taken from Jerome Cooper, Tyrone Cooper's identical twin brother.

DNA is a cellular acid that carries an individual's unique genetic code. Identical twins are formed from the same fertilized egg and are thought to be the only people with virtually identical genetic profiles.

Both men are in custody on unrelated charges while Grand Rapids police decide how to pursue the case. Jerome Cooper is serving a state prison sentence for home invasion and was required by state law to give a DNA sample. Tyrone Cooper is due in a Michigan courtroom today to answer charges that he failed to register as a convicted sex offender.

The Grand Rapids case raises scientific and legal issues that appear likely to occur more frequently as samples are added to the nation's computerized DNA databases.

Since 1992, the FBI and state governments have maintained linked DNA databases that match genetic material from convicts to DNA taken from the scene of unsolved crimes. As of last month, there were DNA profiles from nearly 1.7 million convicted offenders and from more than 80,000 unsolved crimes.

Recently, the system has begun to make matches involving identical twins.

- Twice in the past year, Virginia authorities matched DNA evidence from unsolved crimes to pairs of identical twins whose DNA profiles had been taken after both committed felonies. The first case was an unsolved burglary, the second a rape.

- In 2003, Houston police submitted evidence from the sexual assault of a 9-year-old girl. It matched a 21-year-old convict with a twin brother who was not incarcerated.

In the United Kingdom, the DNA crime-fighting database does not keep track of twin matches but has scored several, a spokeswoman said. Among the most recent reported cases: 22-year-old twin brothers from Northampton whose DNA was found on a stolen radio.

So far, police have been able to solve with little difficulty cases in which DNA matched twins. In the cases in England and Virginia, one twin was incarcerated at the time of the offense, indicating that the second twin was the offender. In the Texas case, one twin agreed to take a lie-detector test and confessed after he failed.

The Grand Rapids case seems likely to prove more difficult. Neither Cooper brother has cooperated, police say. Both were in the area at the time of the rape. The rapist appears not to have left fingerprints, which differ even among identical twins and can be used to distinguish them.

Science may be able to help. Recent research into gene-based diseases has led scientists to study tiny differences in the DNA of identical twins. Such mutations are caused when cells divide as a human embryo grows. But it is expensive and time-consuming to locate the mutations, and they may not be present in all types of tissue. And, perhaps most significantly, evidence based on such research has not been accepted in a criminal court.

Grand Rapids police say they are trying to learn more about whether further testing is likely to break the case.

"We're looking at everything, to the scientific community and to further criminal investigation," said Williams, the department spokesman. "We're trying to see where we go next."

The rapist appears not to have left fingerprints, which differ even among identical twins and can be used to distinguish them.

Suspect Held in Record Jewel Heist

(This article was downloaded from the June 5, 2004, issue of the Los Angeles Times.)

By **LEE ROMNEY**
Times Staff Writer

SAN FRANCISCO — Police have arrested one of two brothers wanted for more than a year in connection with a record jewel heist in this city. Dino Smith, 45, was taken into custody outside a train station in Queens, New York, after San Francisco investigators followed Smith's alleged girlfriend and the couple's baby across the country.

Dino and Troy Smith, 41, had been on the run since more than \$6 million in jewels were taken at gunpoint from the safes of Lang Antique & Estate Jewelry in April 2003, in a case filled with bizarre twists.

A third suspect — George Turner, who is a childhood friend of the Smiths — was arrested shortly after the heist in a San Francisco beachfront motel with a bag containing some of the jewels, price tags attached, in his possession. Troy Smith remains at large.

“It was a long couple of days, but now it's coming together,” said San Francisco Police Inspector Dan Gardner, who with his partner tracked Smith for two days before the Thursday evening arrest. “Two down, one to go.”

The charming and articulate Smith brothers are well-known to San Francisco law enforcement officials. Lang's owner, Mark Zimmelman, had testified against the pair more than a decade ago after selling gems the brothers had stolen from the wife of a onetime Nicaraguan drug dealer in a home invasion robbery.

The brothers had also been arrested in full body armor after police were tipped off to their alleged scheme to kidnap and possibly kill “Dr. Winkie,” the flamboyant owner of a famous 1980s nightclub here. They received long sentences in both cases. But due to misconduct by a police detective and a defense attorney, appellate courts overturned both convictions.

Both joined the Merchant Marine — claiming on their applications for U.S. Coast Guard licenses that they had learned the trade in a tiny South Pacific nation. But by April 2003, records and interviews revealed, both men were struggling financially.

On the night of April 6, police say, three men tun-

neled through a wall, disabled the Lang alarm system and hid out until morning, when they forced employees to empty the safes of diamond rings, Art Deco bracelets and brooches studded with Burmese rubies and Kashmirian sapphires.

Police say fingerprints link Troy Smith and George Turner to the scene, and a victim of the heist had identified Dino Smith. (In a recent jail interview, Turner denied involvement in the heist, saying he had merely agreed to attempt to sell the stolen jewels for a friend.)

“I'm glad justice prevails,” said Zimmelman, who was attending a Las Vegas trade show when informed of the arrest late Friday. “Two out of three ain't bad. I'm sure they'll eventually get the other guy.”

Arrested as an accessory after the fact shortly after the heist was Debbie Warner, a real estate agent pregnant with Dino Smith's child. But a Superior Court judge tossed out the case against her as too dependent on the testimony of a felon.

It was Warner whom detectives followed to New York this week. After she and the baby boarded a JetBlue flight Tuesday, investigators notified U.S. marshals and the New York Police Department fugitive task force, which assisted in tracking Warner until San Francisco police took over Wednesday.

Both brothers had been known for their flashy suits and expensive cars. Dino had once escaped police custody by stashing a pair of universal handcuff keys in his underpants. But when he was taken into custody Thursday, police said that flash was gone. Smith has lost weight and seemed relieved to end his ordeal as a fugitive.

Smith is resisting extradition to San Francisco, which Gardner said could take up to 90 days. All three men face a third strike — and life in prison — if convicted.

The last to remain at large is Troy Smith. After the brothers were featured on “America's Most Wanted” last fall, Troy Smith mailed an angry letter to host John Walsh — and made one available to The Times.

In it, he complained bitterly of character assassination and said vindictive police and prosecutors — and his inability to afford good counsel — make a fair trial impossible.

“Assuming I'm not murdered first, I know how they will turn on the courtroom theatrics along with prosecutorial misconduct,” he wrote. “In the process, I'll get stuck with the dim-witted lawyer from ‘My Cousin Vinny.’ I'd rather take my chances with hypertension as a fugitive.”

Fingerprint Expert at Nichols' Trial Admits A Mistake

(This article was downloaded from the April 7, 2004, issue of the Salt Lake Tribune.)

By **TIM TALLEY**
The Associated Press

McALESTER, Okla. -- An FBI fingerprint examiner Tuesday said he mistakenly testified earlier in the week that he had found Terry Nichols' prints on a piece of evidence in the Oklahoma City bombing case.

Under cross-examination, Louis Hupp said that some of the prints were actually from executed killer Timothy McVeigh.

He also testified that fingerprint examiners uncovered more than 1,000 unidentified prints on the evidence but never tested them. He said it was assumed the prints would not be in the FBI's database, which at the time had prints from 35 million people.

Nichols is on trial on state murder charges that could bring the death penalty for his part in the April 19, 1995, blast at the Alfred P. Murrah Federal Building killed 168 people. His lawyers maintain that he was set up to take the fall for the bombing.

On Monday, Hupp testified that Nichols' palm prints were found on a handwritten map that supposedly showed the location of the building. But under cross-examination by the defense Tuesday, Hupp said the prints were McVeigh's.

Hupp also testified Monday that McVeigh's prints were found eight times on a lease agreement for a storage shed where bomb components allegedly were stored. But a sheet prepared by the FBI showed there were only six prints from McVeigh.

"I can't explain what that was. It was an administrative error," Hupp said. "I take full responsibility for the clerical errors."

Nichols was convicted on federal charges in the bombing and is serving a life sentence. McVeigh was executed in 2001.

Also on Tuesday, Nichols' former wife, Lana Padilla, testified that she was shocked by a sealed letter he gave her nearly five months before the bombing.

The letter included instructions on how to distribute Nichols' belongings if he died during a 1994 trip to the Philippines, told her how to enter a storage unit in nearby Henderson, Nev., and what to do with its contents. The two divorced in 1988.

She said she followed the instructions and pried off the back of a kitchen drawer, where she found a package containing \$20,000 in cash. She also went to the storage shed and found camping gear, bullion coins and a cigar box containing jade that prosecutors say was stolen from Arkansas gun collector Roger Moore as part of a plan to finance the bombing.

Padilla said she was stunned by the items' \$38,000 value, adding that Nichols never paid child support and she thought he lived in poverty.

Also in the package was a letter addressed to McVeigh, instructing him to clear out two storage units, including one in Council Grove, Kan., that prosecutors have said were used to store components for the bomb that destroyed the Oklahoma City federal building.

President's Message

June's meeting was held in Anaheim at a very nice place called JT Schmids Restaurant & Brewery. Accommodations were spacious and the service was superb. Program speaker for the evening was Paul Delhauer of the Los Angeles County Sheriff's Homicide Division, a delightful speaker. Paul is a keen observer and knowledgeable individual and I can see why he is a natural for crime scene reconstruction. He made it easy to understand the complexities of the physics behind death scenes. In the hour and thirty minutes, Paul talked about reconstructing the scenes of murders and unusual deaths while presenting a collage of crime scene photographs.

At this meeting, I was approached by the Second Vice President Susan Garcia, and asked if at this meeting, time could be set aside to chronicle the developments of the F.B.I. erroneous identification referred to as the Madrid/Mayfield print that occurred over the past couple of months. I asked our Past President Alan McRoberts who has monitored the news if he would give us a synopsis of the events that have transpired. The regular round table introductions were suspended to hear Alan chronicle the events surrounding the erroneous identification.

Stay tuned, as an international group of experts are to convene to review this incident. If you're asking how this erroneous identification is going to affect you in court, it should not really be a relevant to the case you are testifying to in court. Discussions and opinions on this matter should remain outside the court room. Remember, in testimony you should not offer speculation; *keep the testimony pertinent to the case at hand.* The FBI erroneous identification did not occur in your case. It has nothing to do with your case.

I again want to thank our hostesses, Directors Sarah Watson and Mari Johnson for a job well done. The door prizes were excellent. Those L.A. folks do provide excellent gifts. I recall looking over the prize table and seeing a number of "CSI" photographs depicting the actors of the famous most watched TV show, "CSI". Members, if you enjoyed the program by all means let the Directors know.

The next SCAFO meeting will be at Stevens Steak House in the City of Commerce. The program sounds extremely interesting, as it is about computer aided crime scene documentation. If you are still hand drawing crime scene sketches you don't want to miss this meeting.

Fraternally Yours,
Ed Palma, President

MINUTES OF JUNE MEETING

DATE: June 5, 2004
LOCATION: JT Schmidts Restaurant & Brewery
Anaheim
HOSTS: Sarah Watson and Mari Johnson
SECRETARY: Gina Russell-Durgin
PROGRAM: Crime Scene Analysis & Reconstruction
Deputy Paul Delhauser
CALL TO ORDER: Business meeting, 2030 hours by
President Ed Palma.

ATTENDANCE:

PAST PRESIDENTS: Dell Freeman (1973), Alan
McRoberts (1991), Tim Golt (1992), Steve Tillmann (2002),
George Durgin (2003).

Members and quests: ???

OLD BUSINESS:

February minutes accepted as published

Second Readings:

Clint Harris

Motion to accept: George Durgin

Second: Susan Garcia

Swear Ins by Past President Steve Tillman

Elsa Mecada, San Diego Sheriff's Dept.

Erinn Elmore, Riverside Sheriff's Dept.

Raquel Munoz, Los Angeles Co. Probation

Frank Giles, Los Angeles Police Dept.

NEW BUSINESS:

First Readings for Active Membership:

Karin Owens, San Bernardino Sheriff's Dept.

Robert Pryor, Los Angeles Sheriff's Dept.

Anna Madrid, Los Angeles Police Dept.

Marie Viets, San Diego Sheriff's Dept.

Teresa Chin Romo, Los Angeles Sheriff's Dept.

Stacey DeLellis, Dept. of Homeland Security

Introduction of New Associate and Student Members

Ann Ibrahim, Grossmont College (Student)

ANNOUNCEMENTS:

Next meeting is August 14 at Steven's Steak House,
City of Commerce. Hosted by Craig Johnson and
Susan Garcia.

ATTENDANCE DRAWING:

No winner

DOOR PRIZES:

Provided by Sarah Watson and Mari Johnson.

MOTION TO ADJOURN:

George Durgin

Second: Tom Washington

Meeting Adjourned: 2100 hours



**SCAFO's 13th
Annual Seminar
October 1 & 2, 2004**

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"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."

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- President Theodore Roosevelt, 1908

S.C.A.F.O. Gina Russell-Durgin, Secretary

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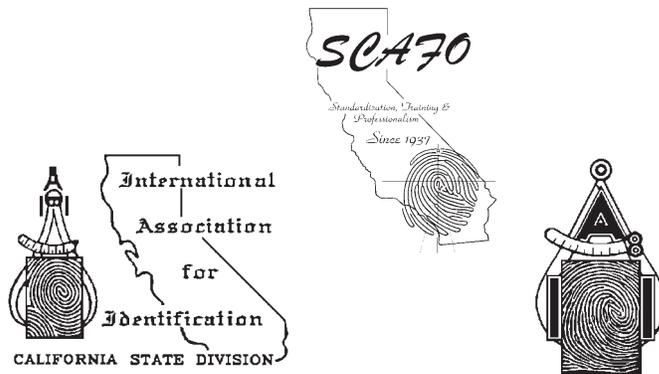
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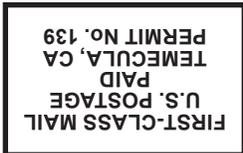
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SCAFO Members
get "yourname@scafo.org".
See instructions on the
website's email page.

-- Upcoming Events/Schools/Seminars--

August 7, 2004

S.C.A.F.O. Meeting
Mari Johnson & Sarah Watson
LASD

August 22 - 26, 2004

International Association for Identification
St. Louis, MO

October 1 - 2, 2004

S.C.A.F.O. Training Seminar

December (TBA)

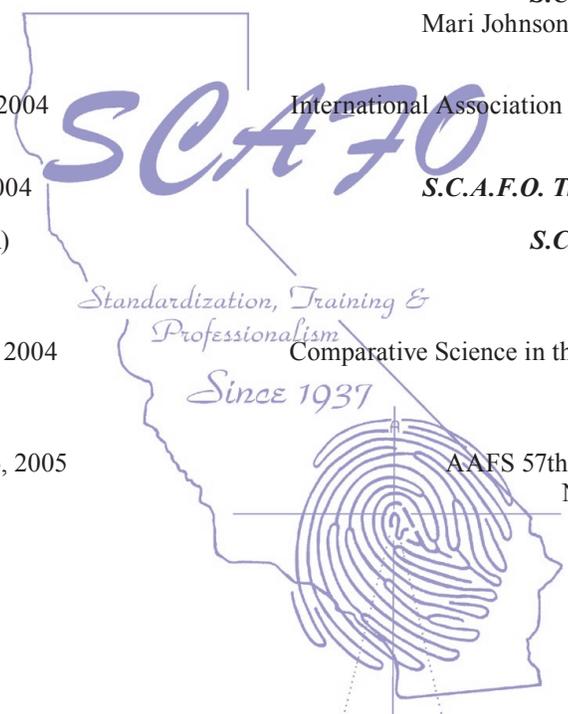
S.C.A.F.O. Meeting
Dennis Uyeda
CAL-DOJ

October 26 - 30, 2004

Comparative Science in the Daubert World
Las Vegas, NV
ABFDE

February 21 - 26, 2005

AAFS 57th Annual Meeting
New Orleans, LA



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