



### D77 Bland Murder Cases: A Spicy Recipe for Possible Conviction

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The goal of this presentation is to illustrate the possibility of a favorable outcome in the judicial system of cases which may lack one or all of the key elements generally thought necessary for conviction through presentation of a case which was successfully adjudicated despite lack of an eyewitness, murder weapon, or confession based upon a strong circumstantial case corroborated by forensic evidence; and to highlight the significance of interviews, scene investigation, physical evidence, and exploration of the many tips that arise during the course of a homicide investigation and the complementary role each plays in the favorable resolution of a case which may initially appear hopelessly unsolvable.

This presentation will impact the forensic community and/or humanity by reinforcing the importance of teamwork in a homicide investigation, i.e., relate how information/evidence collected by one group of investigators/scientists may corroborate that by others converting a weak case against a suspect into a powerful case even in the absence of the primary elements many deem necessary for a successful outcome in the judicial system.

Like a skillful chef presenting a fine meal for the hungry, many prosecutors prepare (for a jury) hearty helpings of testimony filled with at least one, if not all, of the three main ingredients often required for successful prosecution in many murder cases:

- 1) A witness to testify to the events of the crime and to identify the suspect.
- 2) The murder weapon linking the suspect to the victim's death.
- 3) The suspect's detailed account of his/her involvement (confession).

Naturally both investigators and prosecutors prefer that all three ingredients be served together at the banquet of justice, but in an imperfect and unpredictable world they are often faced with the prospect of presenting a bland case to the jury without any of the three elements, which provide the usual spice. While these cases may initially lack the flavor and substance to stimulate the palette of most jurors, a few added ingredients may enhance the existing flavor so that the case is more palatable. Often the identity of a potential suspect finds its way into the investigator's notebook from an anonymous tip, but without one, if not more, of the crucial ingredients, the hope of an arrest and prosecution is doubtful. In many such cases, careful examination of forensic evidence secured during the investigation in connection with the circumstances surrounding the death may convert an otherwise unsolved murder into a compelling circumstantial case with successful resolution in the criminal justice system. This link provided by the physical evidence and a powerful circumstantial case may add the "spice" required to convert that weak unpalatable case with none of the three aforementioned primary ingredients into a feast that most jurors will savor.

This presentation examines the murder of a male subject who was shot to death in suburban New Orleans in April 2002, in retaliation for burglarizing the defendant's vehicle. Common to many murder cases, this investigation lacked an eyewitness, and yielded no suspect weapon or confession. In contrast to many cases with ballistic evidence where the possible brand and model of weapon are multiple, in this case the Firearms Examiner was able to identify a specific caliber, brand and even model number based upon the evidence left on the scene by the suspect. Investigators subsequently secured documentation of the suspect's ownership of a weapon of this specific type from a pawnshop owner, and an interview provided information, which led other investigators to a distant location where additional physical evidence was, recovered which exactly matched that from the primary scene of the crime. This physical evidence in concert with the other investigative information formed the nexus of the case linking this suspect not only to a specific weapon of this type, but also to participation in this crime.

#### **Murder, Investigation, Ballistic Evidence**