



F26 Homicide Cold Case (Twenty-Year-Old) Solved With Aid of Bite Mark

Paul G. Stimson, DDS*, 902 Lakespur Drive, Sugar Land, TX 77479-5909

Upon completion of this presentation, participants will realize that homicide cases are never closed. This case was closed after a twenty year period by a cold case squad, and ultimately a trial by jury with a guilty verdict.

This presentation will impact the forensic science community by showing how an individual's statements and the use of evidence with more modern methods can close a 20-year-old case. A cold case squad brought this case to trial by jury with a guilty verdict.

The defendant, Francis F. Pelkey was 26-years-old at the time of the homicide. The victim was Nell Johnson, a 36-year-old hospital inspector. Her bullet-riddled body was found five miles from her car in a wooded area of Harris County. Mr. Pelkey called police and told them a convoluted story about his encounter with her the day after her body was found. Mrs. Johnson had a tire problem on a busy freeway and Mr. Pelkey stopped to assist her. After the tire repair she took him home for tools and they returned to the site where his van was disabled. He was fixing his van and she was sitting inside of it. According to his statement, two armed men approached. One reached into his van and obtained his .22 caliber pistol. He then shot Johnson with this pistol. The killers then took his cap and shirt and one of them drove off in his van with Johnson and his gun. The other killer kept him at gunpoint on the scene. When the other killer returned they threatened to kill him if he talked, returned his hat and shirt and drove off in their truck. He returned home to clean his clothing, van and gun. His description of the gunman matched his own appearance to the clothing he was wearing. There was not enough evidence at the time to arrest and charge Pelkey. At one point he told police, "I'll tell you what really happened." His wife told him to "shut up", and no further statements were obtained from either of them. There was a bite mark visible on his left arm when he was arrested in 1980. Police took photographs of this mark. The odontologist only had to testify, "it was consistent with a human bite mark made by someone whose mouth was the same shape as Johnson's." The interaction between the judge, prosecuting attorney and the odontologist, out of the jury's hearing, was the interesting portion of this testimony. The defense attorney wanted a *Daubert* hearing. The jury was excused. In a side bar conversation, the judge asked the odontologist about his knowledge of *Daubert* hearings in bite mark cases. The odontologist was aware that an odontologist from El Paso, serving as an expert witness had testified in two of these type examinations and was allowed to testify. The odontologist then stated that this case was like the Kumo tire case. As stated, these were side bar comments between the judge and the odontologist, who was then allowed the odontologist to testify. No match of dentition to mark was required. The testimony was this was a human bite mark injury photograph on Mr. Pelkey, and it was consistent in size of an individual with similar dentition to Mrs. Johnson. The jury found Pelkey guilty with more inconsistencies in his statements and other evidence. He was sentenced under the guidelines in effect in 1980 in Texas, and given 40 years. He will have to serve 13 years before becoming eligible for parole.

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