



E33 Examining of the Case of the Deventer Murder in the Netherlands

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After attending this presentation, attendees will have a new understanding of the forensic and legal practices in the Netherlands. Attendees will also obtain a better understanding of the case review process, the necessity for chain of custody, and the potential for alternative interpretations of DNA evidence.

This presentation will impact the forensic science community by creating an awareness of forensic practices outside of the United States, the importance of the chain of custody, the ability to make statements made about the provenance of a DNA profile, and the potential for alternative interpretations of DNA profiling results.

The Deventer moordzaak (murder) has become one of the most controversial criminal cases in the history of the Netherlands. On September 23, 1999, Jacqueline Wittenberg was stabbed to death. Law enforcement focused their investigation on Mrs. Wittenberg's attorney and the executor of her will, Ernest Louwes. A knife was found approximately one mile from the scene of the crime that was determined to match Louwes by means of a sniffer-dog test. Ernest Louwes was tried and convicted in 2000 on the basis of that evidence. Subsequent analyses demonstrated that the knife could not have been the murder weapon due to its shape and dimensions. In addition, sniffer-dog evidence was discredited in the Netherlands and found to be inadmissible in court. Ernest Louwes, who had already begun a 12-year prison sentence, was acquitted of all charges. Law enforcement then sought to perform DNA testing on the remaining murder evidence. Four years after the murder, a box containing the items of evidence was retrieved from the police station attic and sent to the Netherlands Forensic Institute for DNA analysis. It was concluded that DNA associated with the victim's blouse was a mixture from which Ernest Louwes could not be excluded. In addition, one cutting was a single-source sample matching Mr. Louwes. In the presence of the DNA evidence, Ernest Louwes was re-tried and convicted. His sentence was completed in April 2009, yet he still maintains his innocence and is fighting for a new trial in an effort to be exonerated.

The case has continued to be controversial in the Netherlands largely because there are viable alternative interpretations of the DNA testing results. The Netherlands Forensic Institute claimed that the quantity of DNA present in the samples that were tested could only have been transferred as "the result of violent contact." However, the samples containing DNA foreign to the victim contained approximately 200pg or less of template DNA not associated with the victim. In addition, very little can be said about the locations in which DNA was observed due to the handling of the garment. Prior to DNA testing, the surface of the blouse was examined using micro-adhesive tape in an effort to obtain hair and fiber evidence. The blouse was also folded while still wet and stored in an envelope. Both actions could cause the transfer of DNA from one area of the blouse to another. Finally, there was an opportunity for the innocent transfer of DNA from Mr. Louwes during a business meeting with the victim the morning of the day she was murdered. A review of this case raises interesting questions regarding a number of issues that may reduce the weight that should be attached to the forensic DNA profile evidence including: improper storage and handling of evidence samples, inferences based on the quantity of DNA recovered, and the interpretation of mixture samples with small amounts of template DNA.

Deventer Murder, DNA, Case Review