



Questioned Documents Section - 2013

J17 Some Reasons for Qualified Conclusions

Ronald N. Morris, BS*, 307 Springhill Cir, PO Box 905, Bedford, VA 24523

The goal of this presentation is to provide some reasons why a forensic document examiner cannot always reach a definite conclusion in a handwriting or hand printing examination.

This presentation will impact the forensic science community by explaining why handwriting and hand printing evidence is not always conclusive when attempting to identify a writer.

Frequently, recipients of reports from Forensic Document Examiners (FDE) expect the FDE to be able to determine with absolute certainty the authorship of handwriting and hand printing material they are examining. Under no circumstances is this possible. Every FDE is limited by the evidence contained in the writings they are examining.

The evidence in the writings may be the result of a lack of sufficient individuality in the writing, a limited quantity of writing, copies of documents or writing that is not original, or any number of other factors. This paper discusses some of the reasons for qualified conclusions and how different factors can affect the certainty of the conclusion reached.

Identification or elimination of a writer is based on the cumulative effect of all the available observable evidence in the writing examined and not on the presence or absence of any single characteristic, quality, or feature in that writing. The identification or elimination of a writer requires conclusive supporting evidence.

The presence of a single, significant, or irreconcilable difference does not provide a basis for concluding that two writings are by different writers. It does provide a basis for non-identity of the writer whose known writing is compared with the questioned writing. Non-identity is not the same as eliminating a writer. Additionally, the presence of what is thought to be a single, significant similarity does not provide a basis for concluding that two writings are by the same writer.

The paper includes examples of writers that have more than one style of writing. These writers are able to write without incorporating features of one style into features of the other style. The writer may be able to do this using their unaccustomed hand, while some writers can do it using the same hand. Although style is one factor, the details of the writing of the different styles can be completely different.

Another factor discussed in the paper is the limitation imposed by the adequacy of the submitted writing. The submitted writing may be insufficient for comparison purposes. A writing sample can be insufficient due to disguise, a lack of sufficient individuality or limited writing, evidence of simulation or tracing, completely different styles of writing submitted for comparison, etc.

Some transitory factors that can result in qualified conclusions are also discussed. Transitory factors can include, but are not limited to, injury to the writing hand, use of drugs, other temporary physical conditions, etc. One transitory factor that is discussed is referred to as an accidental feature resulting from a single event that temporally affected the writer.

All copies of writing are problematic. If only a copy is available and the original has purportedly been destroyed, it is not always possible to say with certainty that the copied writing is an accurate reproduction of the original writing. Additionally, it is not possible to conclude, based on the examination of the copy alone, that the writing on the copy is actually written on the original document. Because of the increasing reliance on electronic documents used by banks, government offices, corporations, etc., originals are frequently destroyed. Many times the FDE is working from a printout of a scanned document that has the word "original" stamped on it. Such documents are not "originals" as defined by the FDE.

In summary, it is not possible to reach an unqualified conclusion in every case the FDE examines. Various factors in the writings combine to limit the significance that can be attached to the characteristics, qualities, and features of the examined writing to support a conclusion that it is or is not written by the same writer.

Handwriting, Qualified Conclusion, Evidence Evaluation