



Questioned Documents Section - 2013

J19 The Case of the Staple Mark

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After attending this presentation, attendees will have a better understanding of the importance of literature review when examining unusual cases with limited evidence and providing the court with supporting documentation from the literature along with exhibits.

The presentation will impact the forensic science community by demonstrating the importance of literature from professional source material when testifying in court on an unusual case.

A check for more than one million dollars was sent by a title agency to a finance company. The finance company claimed they never received the check. A staple mark on the check along with testimony from the title agency's employees allegedly would prove the finance company did receive the check. Staple marks are often part of the examination process in cases involving medical records, business records, contracts, and wills. However, it is not common for a forensic document examiner to receive an examination involving only a staple mark. In this case, the original check was destroyed and the forensic document examiner was asked to determine if three marks on copies of the front and back of the check were the result of a single staple mark. There was some concern by the plaintiff's attorney and client that this may not be within the purview of the examiner. To allay the attorney's concerns, a literature review of respected tomes was conducted and several applicable sources were documented.

The examination of the two sides of the questioned check then commenced. Due to the obvious enlargement of the questioned check copies, a request was made to provide an original blank check from the title company to use in the comparison process. Based on the size of the original requested check, the questioned copies were reduced to 87% to match the known check size. Transparencies and copies were made of the 87% copies to assist in the alignment process. Two marks on the reverse side of the questioned check were found to be in close alignment and consistency with a standard ½-inch staple. One small hole was observed on the face of the check. Unfortunately, the copying process of the original check left artifacts that obscured the area on the front of the check where a second hole would be expected. Using a standard stapler with ½-inch staples, staples were placed on copies of the questioned 87% checks in the same locations. The staples were found to be in relative alignment and width as the marks produced on the questioned check. It was determined that it was highly probable the marks on the check were the result of a staple mark; i.e., the examiner was virtually certain the marks on the check were from a staple.

In 2011, upon appearance in court, the defendants' attorney objected to testimony concerning the staple mark, stating that a forensic document examiner has "no special knowledge" of staple marks. A copy of the chapter written by Tom Vastrick titled "Staples" in the *Scientific Examination of Questioned Documents* was provided to the court.¹ The court accepted the testimony and ruled that the forensic document examiner does have special knowledge regarding staples and/or staple marks. The case was adjudicated successfully for the plaintiff. It should be noted the original check sent to the finance company was cashed by a third party who should not have received the check. The third party spent all the money and there was no avenue to recoup the loss.

Reference:

¹ *Scientific Examination of Questioned Documents*, Second Edition (2006), CRC Press

Staple Marks, Questioned Documents, Forensic