



Jurisprudence Section - 2014

F44 A Discussion on Doubt in Bitemark Cases — Personal Experience

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After attending this presentation, attendees will better understand many of the elements that are present in bitemark testimony beyond the analysis and linkage to a suspect.

This presentation will impact the forensic science community by highlighting possible red flags that an expert should at least notice, if not heed.

This presentation will discuss four bitemark cases. A defense-hired expert was employed in two cases; as a prosecution expert in one case and, for lack of a better term, as a “community” expert in a fourth case. Each case will be discussed in terms of the sufficiency of the forensic dental evidence provided for analysis. The presentation will also discuss doubt in each of the cases from the perspective of the quality of the evidence, the completeness of the analysis (taking into account the methodologies available at the time), the impact and understandability factor of the presentation in court, and the value of the opposing expert’s case (should there have been one).

In the first case (which may be recognizable to many in the audience), the discussion will center primarily on the sufficiency of the evidence provided by law enforcement to the opposing experts. A secondary consideration in this case will be the quality and veracity of information covering the circumstances surrounding the events comprising the case. In the second case, which was appealed to the U.S. Supreme Court (*cert. denied*), but was later not retried after intervention by the Innocence Project, the discussion will center on the analysis itself and the lack of opposing forensic testimony at trial. The third case will discuss the serendipitous results reached when an administrative law judge decided to seek the “truth” by a conference between experts and opposing counsel in a potential child abuse case. The final case will again focus on the sufficiency of evidence and the use of forensic odontology to present a reasoned simulation of the events occurring during a “crime” well prior to the advent of video- and computer-aided evidence simulations.

Material from additional cases will be presented. It is hoped that the audience will gain a better appreciation of the myriad interactions surrounding a bitemark case — from the gathering and documentation of evidence, to the theories espoused by law enforcement and prosecuting attorneys, to how the evidence and analysis is presented at trial, as well as the influence (or lack thereof) occasioned by the presence (or lack) of an opposing forensic dental expert.

Bitemark, Reasonable Doubt, Expert Opinion