



F47 An Examination of Bitemark DNA Exoneration Cases: Past, Present, and Future Perspectives

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After attending this presentation, attendees will understand the role that bitemark evidence has played in DNA exoneration cases in the past 10–15 years. They will also understand some of the problems that have led to these exonérations and what can be done to minimize these problems in the future.

This presentation will impact the forensic science community by outlining how these past problems have affected the present status of the admissibility of bitemark evidence. It will also impact the future status of bitemark evidence in the court system, despite the previous legal precedents that established its admissibility.

Since 2000, there have been ten DNA exonérations in cases where bitemark evidence played a significant role in the prosecution of the case. An examination of these cases will be conducted with respect to a number of relevant factors including: (1) how many forensic odontologist(s) were involved in cases that resulted in exonérations; (2) the linkage opinion of the forensic odontologist(s) who compared the bitemark evidence to the defendant; and, (3) other evidence that may have contributed to the conviction of the defendant.

This information will be reviewed with respect to patterns that may emerge concerning the following: (1) were certain forensic odontologists involved in more than one of these cases?; (2) were the linkage opinions of these forensic odontologists the same or very similar?; (3) what role did the bitemark evidence play in the prosecution of the case?; and, (4) was there other evidence (aside from the bitemark evidence) that was presented at trial and what role did that evidence play in the conviction?

These issues will be discussed along with any patterns that emerge from the information collected. Any patterns associated with the aforementioned questions will be critiqued from the perspective of what impact these patterns may have had on the outcome of the case. Although the introduction of other types of evidence may have played a role in the outcome of these cases, the perspectives about these cases will be limited to a critical review of the details of the bitemark evidence.

After a critical review of the bitemark evidence in these cases, there will be suggestions made as to proposals for minimizing these problems in the future and what the role of bitemark evidence may be, pending the outcome of present legal challenges to its admissibility.

Finally, the role of the American Board of Forensic Odontology (ABFO) will be examined with respect to what role it played in these cases, what is happening with the use of bitemark presently, and what actions the ABFO has taken to attempt to safeguard the value of bitemark evidence in the future.

Bitemark Evidence, Forensic Odontologist, DNA Exoneration