



## Jurisprudence Section - 2015

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### F55 Sexual Abuse Case Study — Forensic Science and the Age of Social Media

*Brian C. Zobel, JD\*, PO Box 70, Fenton, MI 48430*

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The goal of this presentation is to demonstrate the effectiveness of the forensic sciences in identifying fabricated testimony.

This presentation will impact the forensic science community by challenging attorneys to analyze their cases with greater sensitivity to potential forensic science issues.

Several forensic disciplines contributed to exposing false accusations in this case of alleged sexual abuse. Voluminous records of text messages provided the defense with extremely fine detail concerning the complainant's allegations; scrutiny of these messages revealed the stories to be impossible.

The complainant was 18 years old and living at her parents' home after graduation from high school. One day, she appeared at a sheriff's department substation accompanied by two friends. One of the friends advised that the complainant had been sexually abused by her father; the police received several pages of Facebook® messages in which the complainant described being raped. The complainant was unwilling to speak with detectives, but eventually wrote several statements describing sexual abuse. Her father was arrested and the complainant's siblings, aged 17 years old and 12 years old, were taken under court jurisdiction.

Detectives obtained a search warrant for the complainant's Facebook® account and more than 5,000 pages of records were produced. The messages described unprotected vaginal, oral, and anal penetrations that included ejaculation. This was to have taken place in the family home on a daily basis over a period of one-and-one-half years.

Interviewed using standardized child abuse investigative techniques, the siblings denied that any abuse or improper touching had occurred. At the home, only one suspected biological stain was located; collected from an old mattress in the basement, the stain tested negative for seminal fluid.

The prosecution proceeded to preliminary examination. The complainant's testimony was contradictory, but the matter was bound over for trial on several counts of sexual assault. The defense investigation then focused on the details contained in the text messages. The complainant described being beaten and kicked on numerous occasions. In one incident she claimed she was kicked so badly that she suffered extensive bruising, possible broken ribs, and missed "like three weeks of school." Attendance records showed she never missed more than two consecutive days of school.

The complainant described being forced to take Valium® and Vicodin®. Her descriptions of the effects of these drugs included violent seizures and colorful hallucinations. A toxicologist and neuropsychopharmacologist concluded the complainant's descriptions were inconsistent with the known effects of these drugs. Records subpoenaed from the Michigan Automated Prescription System confirmed that neither parent had prescriptions for any controlled substances for the relevant time period. When the home was originally searched by police, no prescription drugs had been found.

A recurring theme was that the complainant's father would drag her to the basement, lock her in, and sexually assault her. She described being locked in the basement all night. Examination by the defense crime scene investigator revealed that it was impossible to lock a person in the basement. There was no lock, latch, or hook of any kind on the door. The family home was a 1,200-square-foot dwelling. Examined with specific-wavelength ultraviolet light, the interior exhibited patterns of biological staining consistent with habitation by five people, two dogs, and a housecat. There were no biological stains consistent with the complainant's stories of sexual assault having occurred in the complainant's bedroom, the family room, and basement.

Reports from the defense experts were furnished to the prosecution. The prosecutor met with the complainant and discussed the findings. The complainant admitted to fabricating the stories and all charges were dismissed. At that point, it was unnecessary to explore how the complainant came to invent the stories; however, had the case proceeded to trial, it would have been useful to have employed a forensic psychiatrist to assist in crafting the cross-examination of the complainant.

In testing the credibility of witnesses, attorneys would do well to consider all the tools of forensic science at their disposal. The proactive employment of forensic science professionals gives lawyers the power to expose fabricated testimony that might otherwise go undetected.

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#### **Fabricated Testimony, Biological Stain Detection, Neuropsychopharmacology**