



# Questioned Documents Section - 2015

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## J28 Some Reasons for Qualified Conclusions

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The goal of this presentation is to discuss some of the reasons why a Forensic Document Examiner (FDE) is not always able to reach or express an unqualified conclusion after conducting an examination and comparison between questioned and known writings.

This presentation will impact the forensic science community by providing a better understanding of the reasons for and rationale behind the necessity to express qualified conclusions in those cases where the evidence in the examined writing is less than conclusive. This discussion is very important because currently some believe that in every science it is possible to always reach an unqualified conclusion. This position is blatantly absurd.

The examination and comparison of handwriting and hand printing is a reliable means of identifying individuals based on their writing habits. It is reliable when the FDE properly, accurately, and conservatively applies the established principles of handwriting and hand printing identification that have been proven true and correct over many years. These principles are well documented in numerous texts and technical papers written by qualified, competent, and ethical FDEs around the world.

Reaching any conclusion concerning authorship of writing must be supported by the combined significance of the evidence in the examined writings. In many cases, the evidence does not support an unqualified conclusion and when it does not, the FDEs must determine what degree of belief they have concerning authorship. This presentation addresses some of the reasons for qualified conclusions and the language used to express them.

There are numerous technical reasons for qualified conclusions. Several examples of why it is not always possible to either identify or eliminate a writer will be discussed in the presentation.

Some of the reasons to be presented and discussed are: (1) the writing is insufficient in quantity or quality and therefore has marginal value for comparison purposes, either questioned or known, or both; (2) limited writing, that is the writing may consist of a few general letterforms or marks; (3) sufficient individuality in the writing; (4) unnatural or disguised writing; (5) simulation or tracing; (6) patching and retouching of letters and words that is not explainable or an irreconcilable difference between the questioned and known writing; (7) completely different styles of writing that may have a limited amount of similar characteristics; (8) writing that is not contemporaneous; (9) the presence of transitory and/or accidental features not present in both questioned and known samples; and, (10) the examination of photocopies, faxes, and digitally produced writing.

The principle that is presented is that identification or elimination of a writer is based on the cumulative effect of all the available observable evidence in the examined writing. It should not be based on the presence or absence of any single characteristic, quality, or feature in common or different in the writing. If the cumulative evidence is not sufficient to reach the conclusion that there absolutely was or was not another writer of the questioned writing, then an identification or elimination conclusion is justified.

This same principle applies when there is insufficient evidence to reach an unqualified conclusion. The cumulative evidence, while not sufficient for an identification or elimination, must be sufficient to express a qualified conclusion. The level of certainty expressed by the language used must be accurate in expressing the degree of belief the FDE has concerning the results of his/her examination and comparison.

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### Handwriting, Qualified, Conclusions