



## Odontology Section - 2016

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### G23 Doyle — The Bitemark Case That Started It All

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After attending this presentation, attendees will have a better appreciation of the history of the *Doyle* bitemark case.<sup>1</sup>

This presentation will impact the forensic science community by providing historical background to the area of bitemark analysis.

James A. "Jimmy" Doyle was arrested in west Texas, not far from Abilene, in December of 1952 for public intoxication. The night before Doyle's arrest, someone had broken into Oscar Peacock's grocery store, in the small town of Aspermont, and had stolen a number of items, including two bottles of whiskey and 13 silver dollars. In addition, a "large block of cheese" was found in the store, which "bore pronounced teeth marks." The cheese was sent for analysis by a novel-at-the-time procedure and was assessed by a Texas Department of Public Safety firearm and tool mark examiner, Mr. Taylor, as well as by Dr. Kemp, a dentist.

Mr. Doyle was charged with and convicted of burglary by a jury in Stonewall County. Mr. Doyle then applied for *certiorari* with Texas' highest criminal court, the Texas Court of Criminal Appeals, and the Court agreed to hear his case. Doyle claimed in error that the order from Sheriff Frazier for Doyle to bite into an example piece of cheese violated his right against self-incrimination because he had not received the mandatory warning required in Texas at the time (predating *Miranda* by more than a decade). The Court disagreed and the verdict was upheld. Doyle was Texas' first known bitemark case and the first known *reported* (in the legal sense) bitemark case in the United States.

This bitemark case is often cited by odontologists, but many may not know the interesting story "behind the scenes." The objective of this presentation is to provide some background history about the seminal bitemark case in United States forensic odontology and to discuss its subsequent ramifications. This presentation will provide greater understanding about the history of a very important case in the field of bitemark analysis and a greater appreciation of subsequent developments.

#### Reference(s):

1. *Doyle v. State*, 263 S.W.2d. 779, Tex.Crim.App. 1954.

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#### Bitemark, Cheese, Odontology