



Questioned Documents Section - 2016

J18 The Leon Savoy Estate

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The goal of this presentation is to provide attendees with an interesting case involving a holographic will in which two opposing forensic document examiners with different training backgrounds arrived at entirely different opinions. The various aspects of the will that were considered will be discussed and demonstrated.

This presentation will impact the forensic science community by discussing alternate explanations for two examiners who were provided the same evidence arriving at diametrically opposing findings.

This case example involves the holographic handwritten will of Leon Charles Savoy, Jr., and the various forensic document examinations that were conducted to determine the authenticity of this will.

In this matter, there were two opposing forensic document examiners who arrived at findings totally opposite from one another. This present case is similar (in a variety of ways) to a paper presented several years ago in which there were also diametrically opposing opinions by different examiners.

When forensic document examiners arrive at completely different opinions, it is a legitimate endeavor to explore why this happened and whether formal training — or the lack thereof — may be an underlying cause for these differing opinions. In the present case, one examiner had been formally trained in the mid-1970s in accordance with the requirements outlined in American Society for Testing and Materials (ASTM) Standard E-2388 (Standard Terminology for Expressing Conclusions of Forensic Document Examiners), which requires, among other things, a minimum of two years of formal training in this field. The opposing examiner was primarily self-trained and such informal training did not meet the requirements of this ASTM Standard (indeed, the opposing examiner in this case, as was the situation in the previously presented case, was originally trained as a graphologist). Furthermore, one examiner had been certified by the American Board of Forensic Document Examiners (ABFDE) since its inception in 1978, while the opposing, less-formally trained examiner was certified by the National Association of Document Examiners (NADE). In many ways, this case is another perfect example as to why formal training should be a prerequisite for individuals who claim expertise in this field.

The questioned will in this present matter was three full pages of handwriting, followed by the purported signature of Leon Savoy, Jr. In the opinion of one examiner, the handwriting and signature in the questioned will were rapidly and skillfully written, while the opposing examiner arrived at a different opinion: in his view, the questioned writing was “slow,” “tangling,” and “nearly erratic.”

Both examiners were allowed to evaluate the original of the questioned will in their respective laboratories. Furthermore, each examiner was provided with large quantities of contemporary, genuine signatures and known handwriting. In other words, the conditions for a complete and thorough examination of the evidence in this case were ideal. Yet, these examiners, each with more than several decades of experience, arrived at totally different opinions: one concluded that the questioned will was written and signed by Mr. Savoy while the other concluded the exact opposite.

The will, which apparently left the vast majority of Mr. Savoy’s estate to a female acquaintance, was subsequently challenged by relatives who were excluded from the will. The opposing opinions in this case set the stage for a protracted will contest in which each examiner provided several bouts of lengthy deposition testimony. Ultimately, the matter resolved before trial.

It was suggested that both examiners present their positions in back-to-back papers to the American Academy of Forensic Sciences; however, the opposing counsel refused permission for his examiner to participate.

This handwriting and signature case involves considerations of simulation, tracing, alterations, erasures, indentations evidence, ink and pencil writing, and other important aspects that, ultimately, led to a determination of the authenticity of the will. Often, holographic will contests involve only one or a few of these considerations; however, as with the previous case, this case involved all of these and more. Attendees will be provided with the overwhelming evidence that was available for consideration, all of which led directly to the determination of genuineness.

This presentation demonstrates the relevant aspects that were considered and explored in the examination of this will. While each of these aspects directly addressed the issue of the will’s authenticity, the opposing examiner apparently either did not consider them or consciously discounted them. Ultimately, the question must be asked: Was the opposing examiner’s opinion based upon poor training, an inability to properly evaluate the significance of the overwhelming evidence, or were there ethical considerations involved?

Holographic Will, Handwriting, Document Examination

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