



G18 Lessons From 30-Year-Old Louisiana Bitemark Cases: Jackson, Keko, and Others

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The goal of this presentation is to assist current odontologists by presenting historical cases in light of today's best practices.

This presentation will impact the forensic science community by highlighting errors that may occur without standards, guidelines, and best practices.

Synopsis: Two 30-year-old bitemark cases that resulted in exoneration will be discussed. The processes and procedures used then will be contrasted to resources that are available today. Additional discussion points will contrast standards, guidelines, and best practices over the decades as well as discuss the ongoing impact from these and other historic cases.

Forensic odontology, specifically bite injury analysis, has progressed and continues to progress since its widespread adoption by practitioners and the United States court system beginning in the mid-1970s. Advances have included educational requirements for certification, increasing educational opportunities in the field, ease and desirability of communication between practitioners, advances in photography to include the use of digital imaging, advances in illumination techniques and equipment, the adoption of and increasing sophistication of digital imaging software, research into the dynamics of bite injuries, and research in computer-aided image analysis, to name just a few.

In Louisiana, several suspects have been convicted of crimes in which bite injury analysis played a role. During a 30-year-period, two convictions have been set aside. In each case, the State of Louisiana, through the office of the local district attorney, declined to retry the suspect. This presentation will discuss those controversial cases, detailing what steps were taken by the odontologist(s), what other steps might have been taken at the time, what additional steps could be taken today, as well as other issues that impacted the cases.

The first case is that of Willie Jackson, convicted of rape — a case that was appealed to the United States Supreme Court, which denied writs. More than a decade after that denial, the Innocence Project was successful in securing a hearing based on DNA evidence not available at the time of the trial. The conviction was set aside and the prosecutor declined to retry the matter. Only a single odontologist was involved in the trial, and a second odontology expert was consulted by the defense during the original appellate process.

In the second case, Anthony Keko, the conviction was reversed on appeal. Six board-certified odontologists were consulted in that case at the trial level, three for the state and three for the defense. Although not all made statements “for the record,” there was not complete agreement between a majority of the odontologists on the state side, and likely not for defense, either. In addition to the criminal case, this matter spawned a long-running civil suit that continues to impact the practice of forensic odontology to this day.

This presentation will provide information for the newer odontologist by using these cases to point out errors that may explain, in part, why the field is under such scrutiny today. Hopefully, the experienced odontologists attending this presentation will achieve a greater understanding of the internal conflicts which have contributed to long-standing disagreement over technique and presentation of results in the discipline. In many ways, these two cases are not unlike other cases of that time, as well as other more contemporary cases, some of which have stood the test of time and others that have not. The odontology expert should not ignore the potential of renewed and/or protracted litigation.

Bitemark, Exoneration, Historical Cases