G22 An Examination of Bitemark Analysis in the Turkish Judiciary and the High Court

Huseyin Afsin, PhD, Hacikadin Caddesi 18-1, Kocamustafapasa, Istanbul 3400, TURKEY; Yalcin Buyuk, MD, Adli TipKurumu Yenibosna, Istanbul 34260, TURKEY; Abdi Ozaslan, MD, Istanbul University, Cerrahpasa Medical Faculty, Forensic Medicine Department, Fatih, Istanbul 34098, TURKEY; and Gulnaz T. Javan, PhD, Alabama State University, Forensic Science Program, 915 S Jackson Street, Montgomery, AL 36104*

After attending this presentation, attendees will understand how the Turkish judicial system evaluates bitemark analyses in criminal cases.

This presentation will impact the forensic science community by providing information regarding examples of bitemark uses in the Turkish court system.

As societies progress, the justice mechanism needs more reliable and more realistic evidence. This is why forensic dentists should have not only basic dentistry science instruction, but should also be familiar with aspects of medicine and law. The analysis of a human bitemark is one of the most complex and challenging components of forensic dentistry. Courts may use bitemark analysis to increase the certainty with which a perpetrator is convicted or help ensure an innocent suspect is properly exonerated. In this presentation, three cases are demonstrated in which bitemark analyses were used in identifying and convicting suspects. The Supreme Court of Appeals subsequently approved the appeal requests, and the decisions of the Court are examined and evaluated.

Case 1: In Istanbul, in 2002, a 70-year-old man was found dead in the house where he lived alone. The autopsy was conducted by the Forensic Medicine Institute. A bitemark was identified on the right side of the victim. Forensic experts examined this bitemark, which consisted of a seven-tooth impression. At the time, the man's wife was a fugitive and her neighbor was providing the police with contradictory testimonies; thus, the neighbor was taken into custody. As a result of the bitemark comparison, the impressions produced from three teeth in the upper arch and four teeth in the lower arch were found to be consistent with the bitemarks observed on the victim's side.

Case 2: Three separate events within a one-month period left one victim dead and two others injured. The first attack took place in 2002, against a woman who lived alone in Istanbul. There were dozens of deep bitemarks on the victim's face and body and she was admitted to Istanbul University Medical Faculty Hospital Emergency Surgery Service for treatment (evidence of sexual assault was not found). The second attack was in 2003 against an 80-year-old woman found partially dressed in a burning house, also in the district of Istanbul. She had deep bitemarks on her face, arms, legs, and other parts of her body. The killer bit the victim several times, then killed the victim with a piercing tool. Approximately one meter from the body, flesh that was bitten off by the perpetrator was discovered. No signs of sexual assault were found. The third assault also took place in Istanbul in 2003, and involved a United States tourist. The assailant bit the victim over her right eye and on several other places on her face. The killer had two distinct characteristics: the canine teeth were much larger than normal, and the anterior teeth were absent, which created a very specific pattern.

Case 3: In 2010 in Izmir, police discovered a body that had been stabbed in the throat and on various other parts of his body. There was no wallet or cell phone on the body. One of the suspects had bitemarks on his right hand. Examination of three cigarette butts found in the suspect's car revealed that the cigarette butts belonged to the suspect. The suspect was also the owner of the farm where the body was found and was at that particular coffee house on the day of the incident. His son and cousin were with him on that specific day and were also arrested.

In conclusion, in the case of bitemarks, the following protocol is followed: per prosecutor order, the police investigation team collects evidence at the scene from all suspects and victims. The prosecutor's office takes statements from witnesses. Evidence is then sent to the relevant laboratory units to be examined. After obtaining the evidence and laboratory results, a scientific report is prepared by an expert. If there is a contradiction in the reports of the expert panel, the court will send all documents to the relevant specialist department of the Forensic Medicine Institute and request a report. Then, the relevant court will judge the entire contents of the file and issue an independent order. If one of these parties disagrees, the matter is assessed, and a final decision is made by the High Judiciary.

Turkey, Bitemark Analysis, High Court

*Presenting Author