



## G34 Dental Identification: An Important Thing—The Second Time Around

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**Learning Overview:** After attending this presentation, attendees will understand the need for dental identification procedures and records maintenance, and how they can assist law enforcement long after the case has been completed.

**Impact on the Forensic Science Community:** This presentation will impact the forensic science community by illustrating the need for proper identification procedures, report writing, and the long-term maintenance of evidence.

In 2011, Michael Maltese was convicted of killing his parents and burying their bodies in a shallow grave in Beechwood Park, South Brunswick, NJ. In 2015, the Supreme Court of New Jersey affirmed the defendant's convictions for second-degree disturbing, moving, or concealing human remains, fourth-degree tampering with evidence, third-degree hindering apprehension or prosecution, third-degree theft, third-degree fraudulent use of a credit card, and fourth-degree false swearing, and reversed and remanded for retrial the charges of passion provocation manslaughter and first-degree murder.

It was determined that the trial court shall conduct a pretrial hearing to determine whether the physical evidence obtained as a result of the defendant's suppressed statements is admissible under the inevitable discovery exception to the exclusionary rule. Following the inevitable discovery testimonial hearing, the judge ruled that the physical evidence, including the gravesite and autopsy photos were admissible at trial. In 2018, Michael Maltese was retried and found guilty of "passion provocation" manslaughter for both his parents.

The case discussion includes: (1) search techniques for antemortem records; (2) assisting the Medical Examiner (ME) to obtain records; (3) antemortem records review; (4) postmortem examination and data collection; (5) chain of custody; (6) maintenance and digital archiving of dental evidence and case data; (7) report writing techniques; (8) preparing for court; and (9) expert witness testimony .

In October 2008, the ME requested a dental review of photographs of a bitemark on the "pinky" finger of a suspect in custody who confessed to strangling his parents and claimed his father bit him. Upon arrival, the injury photographs provided by the ME were of limited to no value. The ME stated that they could not locate the dental records of the parents and perhaps could look to identify them in some other manner. The suspect/son in custody told the police where the parents were buried. However, it was decided to complete a full dental autopsy, examination, photographs, and radiographs on the parents, nonetheless.

After thoughtful attention and some luck, the search for dental records yielded positive results and a full-mouth series of radiographs for both parents were found. After the comparisons were completed, a positive dental identification was made for Michael and Kathleen Maltese. The dental reports generated were submitted to the ME on November 14, 2008. A subpoena, to be on call to testify, was issued in January 2018. Nearly ten years later, sworn testimony was provided in court on the identification procedures used to determine the identity of the victims found in the grave, at a park in South Brunswick, NJ, on October 24, 2008.

### **Dental, Identification, Re-Trial**