



## G7 A Bitemark Case

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**Learning Overview:** After attending this presentation, attendees will gain an appreciation that, in carefully selected cases, bitemark analysis may still play a role in bringing justice and allow some sort of closure to the relatives of victims.

**Impact on the Forensic Science Community:** This presentation will impact the forensic science community by balancing recent media and board announcements regarding bitemark analysis that proved to be useful.

Cases involving bitemark analysis have lately been embroiled in controversy. The 2009 Report from the National Academy of Sciences and the President's Council of Advisors on Science and Technology (PCAST) have been scathing in the conclusions reached from poor bitemark evidence presented to courts of law. Following DNA evidence and work by the Innocence Project in the United States, people wrongly convicted have been rightly released. More recently, the Texas Forensic Science Commission suggested the halting of bitemark evidence until more scientific proof is provided.

A case involving the homicide of a young female victim will be presented, including the scenario at the scene, the initial investigations taken, the preliminary report, and the analysis of the images. Following queries from the police, further investigations undertaken that could possibly assist jurors in understanding the dynamics of the case will also be presented. The final report with the conclusions given will also be presented.

The outcome of this case led to the conviction of the suspect in which DNA evidence was restricted due to the accused proactively destroying evidence that could have produced samples and a delay in the discovery of the body. The accused received a life sentence with a minimum 25-year non-parole period. The absence of bitemark evidence in this case would have most likely allowed the dismissal of the charges against the accused.

The clear majority of possible bitemark evidence presented to odontologists is of poor quality for an analysis to be undertaken. The pressure exerted on forensic odontologists from legal authorities to analyze these possible injuries may be great and, together with emotional bias, may lead to a situation in which the conclusions are overstated. Poor evidence should not be accepted and stated as such in a preliminary report. However, if the evidence is suitable in quality to be investigated, and appropriate legal procedures followed, it would seem to be a miscarriage of justice not to present the evidence to the court.

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### **Bitemark, Analysis, Conviction**