



J25 The Admissibility of Hand Printing Identification in the United States Courts

Karen J. Nobles, BA*, Forensic Document Services, LLC, Pensacola, FL 32591-0411

Learning Overview: After attending this presentation, attendees will have a better understanding of the admissibility of hand printing identification in the courts in the United States.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by providing information and tools to improve the success rate of hand printing testimony.

Both federal and state courts in the United States have generally treated expert testimony from a forensic document examiner about the identification of handwriting and the identification of hand printing in the same manner. Logically, this seems to be the correct approach because the methodology for the comparison of questioned and known handwriting samples and the comparison of questioned and known hand printing samples is the same. In fact, the *Standard for Examination of Handwritten Items*, published by the Scientific Working Group for Forensic Document Examination (SWGDOC) in 2015 defined the type of writing covered by the standard as, “hand printing, cursive writing, numerals, symbols, or combinations thereof” In addition, most of the historical and current literature that discusses handwriting identification does not differentiate between cursive handwriting and hand printing when discussing the methods and procedures for examination and comparison. However, in some legal cases, the court has addressed hand printing identification separately from handwriting identification. In those courts where the identification of hand printing has been evaluated individually, hand printing identification has been subjected to numerous inconsistent decisions. Expert testimony about hand printing identification has been randomly admitted, excluded, and limited in court districts across the United States. After conducting both legal and non-legal research and reading through all the publications and the opinions in the relevant cases, there is a notable anomaly in the decisions regarding hand printing evidence in the United States courts. If expert hand printing testimony is proffered, the court generally admits the testimony for the trier-of-fact to consider in making their decision. In fact, prior to *Daubert*, research for this study was unable to find a single instance in which hand printing testimony was excluded. However, post-*Daubert*, if the admission of the hand printing testimony is challenged, the testimony of the handwriting expert is generally limited, or even excluded. If a challenge is not filed, the handwriting expert can testify to the identification of hand printing as routinely as any other examination.

This study looks at the reasoning of the court in each of these cases, especially considering the criteria developed in the landmark case of *Daubert v. Merrell Dow Pharmaceuticals*, and provides both historical and current supplemental publications and legal decisions that can be used by forensic document examiners to support the reliability of hand printing identification.¹ This supplemental information can be utilized to satisfy the court’s requirements, whether it applies the *Frye v. United States of America* standard (general acceptance) or the *Daubert* standard, in which the judge is tasked with determining if the science meets each of the five criteria.²

Reference(s):

^{1.} *Daubert v. Merrell Dow Pharmaceuticals*. US Supreme Court 509.U.S.579,113S.Ct.2786, 125L. Ed.2d 469. 1993.

^{2.} *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923).

Hand Printing, Admissibility, Expert Testimony