



LW1 Doyle: The Bitemark Case That Started It All!

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Learning Overview: The goal of this presentation is to provide some background history about the seminal bitemark case in United States forensic odontology and to discuss its subsequent ramifications.

Impact on the Forensic Science Community: After attending this presentation, attendees will have a better appreciation of the *Doyle* bitemark case.¹ This presentation will impact the forensic science community by providing some historical background to the field of bitemark analysis.

James A. “Jimmy” Doyle was arrested in west Texas, not far from Abilene, in December of 1952 for public intoxication. The night before Doyle’s arrest someone had broken into Oscar Peacock’s grocery store in the small town of Aspermonte, and had stolen a number of items, including two bottles of whiskey and 13 silver dollars. In addition, a “large block of cheese” was found left on a countertop in the store, and it was noted there were “pronounced teeth marks” in the cheese.

During routine inventory of his personal property at the jail, Doyle had been found to have had 13 silver dollars in his pocket. So, while Doyle was incarcerated, on a “hunch,” Sheriff Frazier requested that he bite into another similar block of cheese in order to make an exemplar for comparison purposes. Doyle readily agreed and did so.

The cheeses were sent for analysis by a novel-at-the-time procedure and were examined by a Texas Department of Public Safety firearms and tool mark examiner, Mr. Taylor. The cheesy marks were also evaluated by a long-time, well-respected member of the Texas State Board of Dental Examiners, William Kemp, DDS, of Haskell, TX.

Mr. Doyle was charged with and convicted of burglary in a jury trial in Stonewall County. Mr. Doyle then applied for *certiorari* with the Texas Court of Criminal Appeals, Texas’ court-of-last-resort for criminal cases, and the Court agreed to hear his case. Doyle claimed on appeal that the request from Sheriff Frazier to make an exemplar bite in the second block of cheese violated his right against self-incrimination, because he had not received the pertinent warning required by statute in Texas at that time (predating *Miranda* by more than a decade). The Court did not find Doyle’s reasoning persuasive, and the verdict was upheld.

Doyle is Texas’ first known bitemark case and the first known *reported* (in the legal sense) bitemark case in the United States. The case is often cited by odontologists, but many may not know the interesting “back story.” This presentation will provide greater understanding about the history of a very important case and an appreciation of subsequent developments.

Please note that this case report was first presented in the Odontology Section Scientific Session of the 2016 AAFS Annual Scientific Meeting.

Reference(s):

¹. *Doyle v. State of Texas*, 263 S.W.2d 779, Tex.Crim.App. 1954.

Bitemark, History, Cheese