Taking a step further, the Academy, under the leadership of AAFS Past President Mary Fran Ernst, created and continues to support the Forensic Science Education Programs Accreditation Commission (FEPAC). Under the steady guidance of José Almirall, FEPAC is working to maintain and enhance the quality of forensic science education through a formal evaluation and recognition of college level academic programs. Relying on the standards developed by the Technical Working Group for Education and Training in Forensic Science (TWGED), the commission is developing an accreditation program that recognizes and distinguishes high quality undergraduate and graduate forensic science programs.

For those who have completed their education and for those engaged in the practice of forensic science, the Academy provides additional educational opportunities, primarily through its annual meeting. The theme for next year’s annual meeting encourages forensic scientists to examine and relate their contributions to our collective pursuit of justice for all.

However, one area in which the Academy can improve is its education of the professional participants in the civil and criminal justice systems; that is, the lawyers and judges. There are many examples of prosecutors who have argued to juries that they should give more weight to scientific evidence than was scientifically warranted, or who do not recognize the limitations or possibilities of forensic science. According to the book Actual Innocence: Five Days to Execution and Other Dispatches from the Wrongly Convicted, by Scheck, Neufeld, and Dwyer (Doubleday 2000) on page 187, studies by the Innocence Project “found that 27 percent of the wrongfully convicted had subpar or outright incompetetent legal help.” Similar deficiencies may often be found among lawyers in the civil justice system as well. Judges, the judicial “gatekeepers” for forensic science, sometimes issue admissibility rulings that give scientists genuine concern.

continued on page 3
President Bush recently announced his 2004 budget, which includes a considerable sum of money for forensic science. The amount is $177 million with prospects for about $18 billion over the next five years. It is gratifying to have our message heard in Washington about funding needs. The difficulty with these funds is that they may only be used for DNA-related programs. The funds, if approved by Congress, will not provide assistance to any of the other areas needing funding in crime labs such as fingerprints, firearms, drugs, or toxicology. The funds are also not available to medical examiner’s offices, which, like crime labs, require assistance.

The Consortium of Forensic Science Organizations is working with a number of members of Congress trying to change the way funds may be spent. We are making the case that monies allocated in the President’s ‘04 budget would better serve the forensic science community if it were placed into the Coverdell National Forensic Science Act. NFSA allows for funds to be dispersed by a formula grant program, i.e., by population, and permits the funds to be used for a much wider range of programs, not just DNA.

In April, Jim Hurley and I met with a representative of the American Prosecutors Research Institute (APRI), which is the research and technical assistance affiliate of the National District Attorneys Association, to discuss our participation with them in providing educational opportunities to prosecutors funded by grants from the President’s initiative. We hope that our cooperative effort will result in meaningful educational opportunities for our nation’s prosecutors.

The Academy has also joined the DNA Conference Advisory Group to assist in planning and then participating in a national conference, DNA: Justice Speaks, planned for November 2003, sponsored by American Prosecutors Research Institute and supported by the U.S. Department of Justice’s Bureau of Justice Assistance. This conference will convene the nation’s leading specialists from multiple disciplines related to DNA technology and evidence and science, law, the judiciary, law enforcement, victims’ advocacy, and social ethics. It will cover a broad range of topics, with a particular focus on the three principal steps involved in prosecuting crimes involving DNA evidence: investigation, analysis, and litigation.

I hope this new association with APRI will be long lasting and fruitful. But we should not stop there. Our outreach should also extend to organizations representing criminal defense and civil litigation attorneys and, of course, the judiciary. I hope to report to you later this year on our efforts on these new horizons.
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My class is a half-year course and I'm currently teaching the "second go" of it. Over the last several months, we have been asked by the administration to clean up some of the smaller "crimes" on campus, mainly graffiti. This semester, I decided to turn a rock crime scene into a "crime" for my students to process. During the investigation, they wanted to have the vice-principal come in and speak of other "crimes" that fit the MO.

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I wanted to thank you for having the FSEC. I know I could not have received over the past eight months with words of thanks for sponsoring the FSECs, offers to assist other teachers embarking on forensic science instruction, and inquiries about future conferences seem to validate. The worth of this FSEC outreach initiative. One such letter recently sent to Mary Van Riest from an educator in Massachusetts demonstrates just how well the forensic sciences may be employed to enhance science learning and to promote appropriate citizenship. The following is from Ms. Karen Taylor who attended both 2002 conferences:

The town police came and wanted to see what we had collected. I went to my vice-principal to discuss what he would say to my students during the interview when he caught me to say there was another crime on campus. It seems that someone had done some "doughnuts" on the front lawn and had run over a fledgling tree in the process. The police had come already and had taken a bumper that belonged to the auto. So, I taped off the "crime scene" and waited for the police to process the glass. During the investigation, they wanted to have the vice-principal come in and speak of other "crimes" that fit the MO.

The two Forensic Science Educational Conferences in 2002 have been well received by the many teachers who have attended them. Follow-up networking between and among AARS members and the participants has yielded many positive results. The many e-mail communications received over the past eight months with words of thanks for sponsoring the FSECs, offers to assist other teachers embarking on forensic science instruction, and inquiries about future conferences seem to validate. The worth of this FSEC outreach initiative. One such letter recently sent to Mary Van Riest from an educator in Massachusetts demonstrates just how well the forensic sciences may be employed to enhance science learning and to promote appropriate citizenship. The following is from Ms. Karen Taylor who attended both 2002 conferences:

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Planning for the 2004 AAFS Annual Meeting scheduled for Dallas began immediately following the completion of the 2003 meeting in Chicago. The theme of the 2004 meeting will center on the role of forensic science as a counterpoise in the justice system. Details regarding the Plenary Session, Multidisciplinary Symposium, and all other events will appear in future issues of the Academy News.

Please note the August 1, 2003, deadline for submitting abstracts and proposals for workshops, workshops, Academy-wide luncheons, and breakfast seminars. This deadline will be strictly enforced. Begin planning now and avoid the stress and late hours in July usually devoted to formalizing your proposals for presentations. Workshops provide an excellent opportunity to explore current issues in depth, to develop discussions, to learn about forensic areas outside of one’s expertise, and to provide continuing professional education to section members. They also provide a way for section members to become involved in activities, which will prepare them for future leadership roles within their section, their profession, and the Academy. Interdisciplinary workshops have historically been successful. Please contact workshop chairmen Scott Batterman and Ken Williams with any questions regarding workshop proposals. Breakfast sessions and Academy luncheons provide an overview on a topic area of interest in a more relaxed setting. Breakfast Seminar Chairman Anthony Ralseetti and Luncheon Chairman Paul Phillips can answer any questions regarding presentations in these sessions.

The availability of LCD projectors for all scientific sessions at the 2003 meeting worked well, and they will continue to be available for the 2004 meeting. Presenters must clearly indicate a need for the LCD in advance and they must provide their own computers. As always, conventional 35mm slide projectors also will be available for all scientific sessions and for Bring Your Own Slides.

The Announcement and Call for Papers can be found on pages 15-18 of this issue of Academy News. It is also available online at www.aafs.org. Presenters are encouraged to submit their abstracts electronically using the online form.

Members of the 2004 Program Committee were listed on page 10 of the March/April issue of Academy News. If you have any particular concerns regarding the annual meeting please contact an appropriate member of the Program Committee. Carol Henderson and Joe Bano have been appointed as 2004 Program Co-Chairmen to serve the members of the Academy. They will make every effort to organize an enjoyable, memorable, and educational meeting. Plan on spending some time in February 2004 in Dallas with your old friends and making new friendships that could last a lifetime.

**PROGRAM 2004 — DALLAS**

**A WORD FROM YOUR 2004 PROGRAM CO-CHAIRMAN**

Joseph P. Bano, MA

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**2003-04 PROGRAM COMMITTEE UPDATE**

In the March/April issue of Academy News, the 2003-04 Program Committee Chairman were printed on page 10. Please note the following changes to that list.

**Plenary Session Co-Chairman:**
Paul E. Kish, MS
(607) 962-8092
pkish@localnet.com

**Multidisciplinary Symposium Co-Chairman:**
Arjali R. Swienton, MFS, JD
(301) 528-5050
scilawforensics@aol.com

**Engineering Sciences Program Chairman:**
Carol Erikson, BS, MSPH
(865) 966-8880
cerikson@trillium@aol.com

**Poster Sessions Co-Chairman:**
Jason H. Byrd, PhD
(386) 258-4060
jhbyrd@forensic-entomology.com

**Local Arrangements Chairman:**
Andrew T. Armstrong, PhD
(817) 275-2691

**AAFS TOPICS OF INTEREST/NEEDS REQUESTED**

What topics should be addressed at the Academy’s 56th Annual Meeting? AAFS members are asked to send suggestions for topics of interest/needs for the 2004 AAFS Annual Meeting to the Academy headquarters. All responses received will be communicated to the program committee members when they commence their review of abstract submissions. Take this opportunity to have a voice on the program content in Dallas; send your suggestions today. Should you have any questions, please contact Nancy Jackson (njackson@aafs.org) at the AAFS office.
The President's proposal, Advancing Justice Through DNA Technology, was recently presented by the Attorney General on March 11, 2003, requesting a total commitment of over $1 billion to be spent over the next five years to realize the full potential of DNA technology. This commitment of over $1 billion was issued in response to the inherent problems in forensic science, the looming stress factor of case backlog, and the fact that many crimes could have been avoided if convicted offenders' samples were in the database system. Building on this information and the effect of past funding, the President of the United States issued a proposal, which was recently presented by the Attorney General on March 11, 2003, requesting a total commitment of over $1 billion to be spent over the next five years to realize the full potential of DNA technology. The President’s proposal, Advancing Justice Through DNA Technology, has the following bullet points:

- Eliminate Backlogs
- Strengthen Crime Laboratory Capacity
- Stimulate Research and Development
- Provide Training
- A Direct Affect on Forensic Science
- We Can't Help But Mentally Generate Plans for How this Could Be Implemented

The need to protect the innocent was used to emphasize the necessity for this commitment. The number of cases is growing that depict innocent people recently freed from incarceration. On February 23, 2003, in the Sunday Parade Magazine such a story was highlighted. Chris Plourd of the Jurisprudence Section was prominently depicted as having stayed the long battle of proving the innocence of someone wrongly convicted. The suspect, actually the victim of the system, spent 10 years in prison and on death row, for the murder of a waitress. He just happened to be associated with the establishment where she was working, a classic example of, “Wrong place at the wrong time.”

Although the President’s proposal is just that, there is hope that most of it will be enhanced and funded. Further information on the Executive Summary may be found at: [http://www.usdoj.gov/ag/dnapolicybook_exsum.htm](http://www.usdoj.gov/ag/dnapolicybook_exsum.htm) and at [http://www.usdoj.gov/ag/dnapolicybook_funding.htm](http://www.usdoj.gov/ag/dnapolicybook_funding.htm).

SOURCE:  James S. Smith, PhD, Section Chairman

The section’s business meeting unanimously approved a change to the Provisional membership requirements. Transcripts are no longer required. A photocopy of the highest relevant degree, graduate or undergraduate, is required. This action will streamline the section’s application process. Kimberly Weiss is going to work with Section Officers on every incomplete application in order for the section to encourage the applicant to follow up on any missing material and complete the procedure prior to October 1, 2003.

The Engineering Sciences Section has an extremely diverse membership. This is good. However, the section needs new members. As of February 2003, present membership consists of 182 engineers and scientists in the following categories:  Retired Fellows - 3; Fellows - 33; Members - 35; Provisional Members - 86; Student - 1; Trainee Affiliates - 3; and Applicants - 21.

There are eight incomplete or late applications from 2002. These applicants will be asked to complete their applications by providing any missing information, if required, under the new Provisional membership requirements.

Please ask a friend or colleague to apply to the section now and give a presentation in Dallas in February 2004. The section needs new members and they need to be active at the annual meeting. Everyone is invited to the noon luncheon-business meeting on Wednesday, February 18, 2004. We want and need your participation.

Per his request, Gary Brown of RD Environmental Services has been replaced as the Engineering Sciences Section Program Chairman by Carol Erickson of Trillium, Inc. Gary, in turn, has fulfilled the position of chair of the Environmental Track of the section’s program now left vacant by Carol. Section members may contact Carol at cerickson@trilliuminc.com, and Gary may be contacted at gbrown@aol.com regarding any questions or suggestions for their respective appointments.

GENERAL

Source:  John E. Gers, MFS, Section Secretary

Section Program Chairman Dayle Hinman is urging all General Section members to consider presenting a paper and to begin organizing their work for the abstract and presentation for the 2004 meeting in Dallas. She encourages all section members to share their expertise and to ensure a solid slate of scientific papers for the program. Provisional Members and Full Members are urged to participate by presenting a paper and work towards promotion. Workshop plans should also be submitted as soon as possible. Please consider proposing a workshop to share your knowledge with others and benefit the General Section.

The Minutes Review Committee approved the minutes of the business meeting in Chicago and the minutes have been submitted to the Academy office. Awards Committee Chairman Vernon McCarty reminds all members that it is not too early to think of nominees for the General Section awards for 2004. The Achievement Award recipient for 2003 was James Baileyfor his presentation in Chicago entitled, “Experimental .38 Caliber Pellet for Use in Environments Requiring Limited Penetration.” Mr. Bailey is a General Section member and is associated

ENGINEERING SCIENCES

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 SECTION & PROGRAM NEWS

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with the Cape Fear Community College in Wilmington, NC. As winner of the award, Mr. Bailey will receive a stipend of $250, along with a paid basic registration fee to include the General Section Business Luncheon for the 2004 AAFS meeting in Dallas.

For those considering competiting for the Achievement Award in Dallas, the following criteria applies: Limited to Trainee Affiliate, Provisional Member, or Full Member who have been a registered participant within the AAFS no more than four years. Plus, the candidate must prepare a paper at the General Section Scientific Session or poster session.

JURISPRUDENCE
Source: Betty Layne DesPortes, JD, Section Secretary

With the success of the Chicago 2003 Annual Meeting as a springboard, the Jurisprudence Section has already begun planning for the Dallas 2004 Annual Meeting. Christopher Floud, Haskell Pitluck, Andre Moenssens, Michael Kelly, Michael Rieders, Joel Harris, and Linda Kenney will be submitting a proposal for another full-day, hands-on workshop dealing with the presentation and cross-examination of witness in a Daubert-type admissibility hearing. The proposed case subjects include toxicology and shaken baby syndrome. The structure of the workshop will permit guest witnesses and participants in the audience to take the stand for mock examinations. Participants will be encouraged to submit their own case examples for demonstration.

Another workshop proposal in development is a half-day program focusing on the direct and cross-examination in the area of forensic odontology lead by Robert Barsley. The workshop will be designed for odontologists and attorneys handling odontology issues. Participants will also be encouraged to submit their own case examples for demonstration.

Anyone interested in contributing to these workshop proposals or in participating in the Dallas program may contact the Jurisprudence Program Co-Chairs Linda Kenney (Kenneybaden@msn.com) and Chad Dold (cbdold@speakeasy.net).

Section Chairman Andre Moenssens has appointed the following section members to committees: Minutes Approval Committee: Patrick Clifford, Margaret Tarver, Brien Marger; Awards Committee: Ken Melson, Carol Henderson, Betty Layne DesPortes; Nominating Committee: Danielle Rutman, Cynthia Windsor, Haskell M. Pitluck.

PHYSICAL ANTHROPOLOGY
Source: Marilyn R. London, MA, Section Secretary


The J. Lawrence Angel committee unanimously voted to give the J. Lawrence Angel Award to Denise To of Arizona State University for her poster presentation: "Three-Dimensional Digital Data Acquisition: A Test of Measurement Error" (H60). The committee also decided to compliment Michael Koot on his paper ("Radiographic Human Identification Using Bases of the Hand: A Validation Study").

The Physical Anthropology Section voted on new membership criteria for Student and Trainee Affiliate membership at the 2003 meeting in Chicago. Student membership requirements now include: must be enrolled in a graduate program leading to a degree in physical anthropology, forensic anthropology, or human biology with a forensic anthropology emphasis; and must be sponsored by a Member or Fellow of the Physical Anthropology Section who is well-acquainted with the candidate and provides a written recommendation that addresses the student’s interest, aptitude, and potential in the field of forensic anthropology. Trainee Affiliate requirements now include completion of a graduate degree in physical anthropology, forensic anthropology or human biology with a forensic anthropology emphasis; and sponsorship by a Member or Fellow of the Physical Anthropology Section who is well-acquainted with the candidate and who provides a written recommendation that addresses the candidate’s progress toward fulfilling the requirements for provisional membership. For other requirements, please check the AAFS website. Applicants must also meet the AAFS basic requirements for membership.

ODONTOLOGY
Source: Thomas J. David, DDS, Section Program Chairman

Now that the 55th Annual Meeting of the AAFS is completed, it is time to think about next year’s meeting. Although it seems like a long way off, the deadline for submitting abstracts for the 2004 meeting will be here before you know it. So, now is the time to give some careful thought to submitting an abstract for an oral or poster presentation for next year. Don’t wait until July, when the deadline is less than a month away. This is a firm deadline, so don’t procrastinate and miss it. If your abstract is not postmarked by August 1, 2003, it will be considered late and may not be accepted for presentation. Late submissions will be held in reserve to fill out the program.

Based on the presentations from this year, there will be many great topics to hear about. Therefore, even if you don’t plan on submitting an abstract, plan on attending a scientific session next year in Dallas. There will be many interesting topics for discussion, including novel methods of dental identification as well as technological advances in bitewax analysis.

Many dentists were saddened to hear of the recent deaths of two well known DMORT personalities - Tom Shepardson and Fred Berry. The shock of their sudden deaths was especially devastating since they occurred so close together chronologically. They will both be sorely missed.
PSYCHIATRY & BEHAVIORAL SCIENCE

Source: Gregory B. Leong, MD, Section Secretary

During the 2003 AAFS Annual Meeting, J. Arturo Silva, Richard Rosner, Gregory Leong, and Stephen Billick were elected as the section’s Pellow-at-Large, Chairman, Secretary, and 2004 Program Chairman, respectively. Dr. Billick invites all section members to consider presenting at the 2004 meeting in Dallas. If there are any questions about potential presentations, Dr. Billick may be contacted at stephen@billick.com.

Section members Richard Rosner, Robert Weinstock, and Stephen Billick have been elected to the offices of President-Elect, Vice-President, and Treasurer, respectively, in the American Academy of Adolescent Psychiatry.

The long awaited second edition of “Principles and Practice of Forensic Psychiatry” has very recently been published. Section members instrumental in the textbook’s publication include Editor-in-Chief Richard Rosner and Associate Editors Stephen Billick, Abraham Halpern, Robert Miller, Stephen Rachlin, and Robert Weinstock. Ronnie Harmon of the General Section was also an Associate Editor.

SECTION & PROGRAM NEWS

Source: John L. Sang, MS, Section Secretary

Although it may seem far off, members need to start preparing for the 2004 Annual Meeting in Dallas, TX. The 2004 Section Program Chairman is Dale Stobaugh. He may be reached at (512) 424-2105, or by email at Dale.Stobaugh@txdps.state.tx.us. Dale is preparing another full program including workshops. If you have not already done so, please submit your abstract form to ensure your spot on the program. Don’t forget that the abstract deadline is August 1, 2003. Dale is still surveying the field and requests information on the type of workshops you would like to see presented at the meeting.

If any of your colleagues are not members of AAFS, now is the time to invite them to join and take advantage of this opportunity for professional development, enhancement of their knowledge in the field, and share ideas with Academy colleagues. Members are encouraged at this time of year to apply for promotions. Applications are available online at www.aafs.org, or from Kimberly Wrasse (kwrasse@aafs.org).

Thanks again to Peter Tytell for his stellar job as our representative at the Forensic Science Educational Conference, held at Pace University in New York City. Patricía Manzolillo will be this year’s representative and she is reaching out for help with the three laboratory sessions to be conducted.

Good luck to this year’s Retired Fellows: Ninette Galbraith, Roy Ruber, Bill McCarthy, and Gordon Stangoer.

ACADEMY NEWS

QUESTIONED DOCUMENTS

Source: John L. Sang, MS, Section Secretary

TOXICOLOGY

Source: Christine M. Moore, MD, Section Chairman

The Toxicology Section program at the Chicago meeting again took on a slightly different format, including several special sessions. These were described by 2003 Program Chairman Amanda Jenkins in the March/April issue of the Academy News, and they were certainly very successful. All the comments heard were of a positive nature and special thanks go to Amanda and her team for producing a fine program – unfortunately we could do nothing about the weather. The actions, reactions, appointments, concerns, and opinions of the Toxicology Section were addressed in great detail at the Business Meeting, which was held during the Academy meeting. The Minutes will be made available to the members through the News and Views newsletter.

As we look forward to 2004 in Dallas, TX, and hopefully warmer weather than in Chicago, the various committees are already hard at work identifying workshops and special sessions. The 2004 Workshop Chairman is Adam Negruze, and the Program Chairman is Tim Rohrig, so please contact them with your ideas and comments for the 2004 program.
The Emerging Forensic Scientist Program Committee has finished evaluating all of the entries from the 2003 competition and are pleased to announce the winner of its 4th Annual Award. Congratulations to Joseph T. Hefner, BS, for his paper entitled, “The Utility of Nonmetric Cranial Traits in Ancestry Determination - Part II.” Mr. Hefner, a Student Member of the Physical Anthropology Section, will receive all his expenses paid to attend the 56th Annual Meeting in Dallas as well as a commemorative plaque.

The AAFS Staff would like to thank everyone who took the time to complete the annual meeting survey. The information has been tabulated and will serve as a beneficial resource in planning future AAFS programs.

Congratulations to Lisa M. Black, BS, Provisional Member of the Criminalistics Section! Lisa is the winner of the complimentary registration for the 2004 AAFS Annual Meeting in Dallas, TX.

Are you running out of bookshelf space from back issues of the Journal of Forensic Sciences? How about donating them to the forensic science library at Marshall University? The library is missing some recent issues and whole volumes of other years. AAFS and ASIM do not sell back issues and only microfilm is available from a commercial service. This library is restricted to the university’s forensic students, faculty, and staff. It is not part of the general university library.

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If you are willing to donate some or all of the above, please contact J. Graham Rankin by email at rankinj@marshall.edu, or at the address below. You will be reimbursed for mailing expense if shipped bookrate.

J. Graham Rankin, PhD
Associate Professor
Forensic Science Program
Marshall University
1401 Forensic Science Drive
Huntington, WV 25701
The Forensic Sciences Foundation, Inc., gratefully acknowledges the generous contributions made to the Foundation. Please accept our apologies if your name has been inadvertently omitted and contact the AAFS office as soon as possible with the correction. This listing reflects contributions received from 08/01/02 through 04/01/03.

The percentages shown indicate the number of members within each section who have contributed to the Endowment Fund.

**CONTRIBUTORS**

**CRIMINALISTICS**

<table>
<thead>
<tr>
<th>Up to $50 - “Board Member”</th>
<th>George Sansabaugh, DCrim</th>
<th>Michael C. Sheppe, MS</th>
<th>Jay A. Siegel, RD</th>
<th>Ronald Singer, MS</th>
<th>Charles Tindall, RD</th>
<th>Cecilia H. von Berndt, PhD</th>
<th>Margaret M. Wallace, PhD</th>
<th>Joseph E. Warren, MS</th>
<th>Edward Whittaker, BS</th>
<th>C. Ken Williams, MS</th>
<th>Donald A. Wyckoff, BA, BS</th>
<th>G. Michael Yezzo, BS</th>
<th>Jennifer Zawacki, BS</th>
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**GENERAL**

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<th>Up to $500 - “Board Member”</th>
<th>Tom Bevel, MA</th>
<th>Angela G. Bitt, MFS</th>
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<th>B.G. Brogdon, MD</th>
<th>Karen Taggart Campbell, MD</th>
<th>Thomas C. Coburn, MD</th>
<th>C.J. Cumley</th>
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**ENGINEERING SCIENCES**

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<tr>
<th>Up to $50 - “Board Member”</th>
<th>Peter De Forest, DCrim</th>
<th>Joseph M. Guldi, RD</th>
<th>Michele E. Kastler, MS</th>
<th>Carolin M. Kim, MS</th>
<th>Benjamin A. Perillo, BA</th>
<th>Steven M. Sobotlansky, BS, MCRD</th>
<th>Robert Stroker, BA</th>
<th>Kay Sweeney, BS</th>
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**ODONTOLOGY**

In 1953...
... the Police Science Section (now the Criminalistics Section) polled 66 police laboratories to ascertain how many performed various forensic science examinations. Some of the results were as follows: Microscopy - 98%; Firearms and Toolmarks - 90%; Chemistry and Photography - 88%. Very few did X-Ray Diffraction Examinations or Breath Analyses, and none were conducting DNA tests.

In 1963...
... all applicants were required to be interviewed by teams of four Academy Fellows during the annual meeting. Although the interview period was announced as being from 6:00 p.m. - 10:00 p.m. Wednesday, Thursday, and Friday, the process was found to be far more time-consuming than contemplated. As a result, interviews were conducted from morning to late at night. The Interview Process was discontinued in the early 1970s.

In 1973...
... the Academy and the Foundation leaders agreed to open a joint office in Washington, DC. Washington was selected because prospects were good that the Foundation would receive funding for several forensic science research projects it had proposed to the Department of Justice. The newly appointed Executive Director drove to Washington from Arizona and began the search for office space by dividing Washington in half. He conducted the search south of K Street and his wife did the same north of K Street. Five days later Mrs. Field found the winning location and the organizations set up shop on the unfinished floor of a new office building at 11400 Rockville Pike - across the street from the upscale White Flint Mall.

In 1983...
... this paper, announced in the Annual Meeting Program, took First Prize for Creative Presentation Titles: “The Toilet Bowlers” by Erik Mitchell.

IN MEMORIAM
Arvind K. Agarwal, PhD, Provisional Member of the Toxicology Section

Calvin Bandt, MD, Fellow of the Pathology/Biology Section, September 2002

Shawn M. Gordon, Student in the Criminalistics Section, April 2003
The testimony of a medical doctor, as an expert witness in a criminal trial, often may be determinative on the issues sub judice (under the purview of the law). The two trials and appeals in this discussion, one from the Federal courts and the other from the New Mexico state courts, represent medical doctors so gabled, one giving testimony in a non-homicide trial, the second appearing as a witness in a murder trial. In neither was anything said about the greater or lesser prerequisites of training or experience to qualify on the medical issues presented. Also it would appear that in the trials in both cases the defense did not challenge the prosecution's medical experts with a medical expert of his own choosing. Whether the outcome in these cases would have been altered if the defense had more aggressively pursued his client's interests remains to be seen or surmised.

Case #1: A Non-Fatal Injury: What Constitutes “Serious Bodily Injury?”

In U.S. v. Two Eagle, 318 F. 3d 785 (8th Cir. 2003) the defendant appealed his convictions on three counts for assault causing serious bodily injury. The claims on his appeal from these convictions seemed utterly and facially spurious, but the Federal appeals court played it by the book and denied the allegations of error without commenting on their superficiality or even their being, in the eye of any beholder, ludicrous.

Two Eagle's principal argument presented the question of whether the government had tendered sufficient evidence to prove the injuries he concededly caused had resulted in “serious bodily injury” as required in the Federal criminal code. Under the facts Two Eagle, during a family feud, shot Jerome Whipple in the leg. Craig Two Elk also in his leg and Michael Young in the ear. The injuries were not insignificant. Whipple's leg was fractured requiring reconstructive surgery. Two Elk also suffered a leg fracture causing him to require a full leg cast. Richard Whipple's “ear nearly split … in half” as a consequence of being shot by Two Eagle. Whipple's injury required hospitalization and reattachment surgery.

To support the government’s position concerning the serious nature of Whipple's injuries, it introduced the testimony of a physician who had treated Whipple. He opined that the ear injury, if it had not been treated immediately, would have resulted in permanent disfigurement to Whipple. He also said the ear injury was painful. These conclusions tracked the statutory definition of “serious bodily injury” which, in the disjunctive, necessitated “extreme physical pain” or “protracted and obvious disfigurement.”

Two Eagle, for his part, challenged the doctor's legal authority to give such an opinion which he said invaded the proper province of the jury to decide the ultimate issue of whether there was or was not serious bodily injury. Not so said the Federal appeals court since Federal Evidence Rule 704 admits of no doubt that opinion testimony by an expert on the ultimate issue in the case is quite demonstrably permissible.

Further the medico, the court said, did not answer the prosecutor's questions, like an automaton, in the specific words of the criminal statute. However, the prosecutor was tweaked with criticism, but not punished, for examining his medical witness, employing "the specific language of the statute."

If the Federal appeals court had decided in Two Eagle's favor, it would have denigrated the jury's determination as well as gone contrary to the commonsensical understanding that the injuries to the three victims were, in point of obvious fact, on the patent order of “serious, bodily injury.” But the physician's testimony did no harm and cemented the otherwise clear case against Two Eagle.

Case #2: A Fatal Injury: With Medical Treatment Would The Victim Have Survived?

Unlike the prosecution of Two Eagle in the previous discussion in the Federal District Court, there was no mere “nickel-or-dimeing” in the use of the medical testimony in the first degree murder of Adam Montoya in a Las Cruces, NM trial court.

The pathologist, Dr. Michael Markey, gave testimony for the prosecution that was central and crucial to the prosecution's case. Without the evidence from Dr. Markey, the prosecutor would have been unable to prove the causal connection between defendant Montoya's actions and the death of the victim, Ty Lowery.

Ty Lowery played the role of the good Samaritan to Sherrilyn Brown and he paid dearly for it - with his life. Brown was estranged from Michael Toney, Brown's quandam boyfriend. Brown needed help in moving her personal property from Toney's premises and Lowery answered her call for assistance. But when Toney learned that his erstwhile girlfriend, Sherrilyn, was dumping him he became enraged and sought to put a stop to it with the aid of his friends, one of whom was the defendant, Montoya.

The victim, Lowery, would have survived the fracas uninjured if his good Samaritanism had not become obsessive. He successfully and without interruption from Toney loaded Sherrilyn's belongings into his car and left the Toney residence without incident.

continued on page 20
THE GRAVITAS OF THE MEDICAL EXPERT. . . CONT.

But Sherrilyn, ensconced in a safe hide-away at the time, realized that she had forgotten her purse. She prevailed upon a reluctant Lowery to return to the lion's den, Toney's home, with her to retrieve it. That was her and Lowery's first major mistake. The second one, the fatal mistake, occurred on the return trip when they came upon one of Toney's friends trying to extort Toney's stuck car. Against the best advice of one of Toney's friends, Sherrilyn and the victim-to-be Lowery, continued to Toney's place to regain the missing purse. (Why the purse or its contents was so all important is not explicated in the published reports on Lowery's death).

Arriving at Toney's lodgings, a party was seen to be percolating along with Toney and a few of his friends, excluding the defendant Montoya, wielding guns. Suddenly the recriminations and the threats directed toward Sherrilyn and Lowery commenced.

Claudia Moreno, Toney's current girlfriend, took a position in the rear seat of Lowery's car with her rifle "primed and ready." Toney stood outside the car and ordered Montoya to seize the keys to Lowery's car. When Lowery produced a duplicate key, Toney ordered Moreno to shoot Lowery, which Moreno compliantly did. But Lowery was hardy, the rifle bullet entering his right shoulder and not immediately causing his death.

Since Toney was in truth "calling the shots," he commanded the present defendant, Montoya, to take Lowery "to the river and to leave him there." Montoya, as one would expect, acquiesced, traveling in a direction away from the scene. During Montoya's flight he "repeatedly hit (the victim) in the face," forcing him to be inconspicuous on the floor of the car.

At the end of the road (for Lowery, that is) Montoya abandoned the car, with Lowery yet alive inside, closed all the car doors and left the scene. The next day Lowery's dead body was found "partially" out of the car, indicating that he had survived for some undetermined time after Montoya had departed and that he had tried, in his terminal agony, to save himself, there being no readily available good Samaritan to perform that charitable intervention for him.

So much for the illuminating introductory facts. Montoya was convicted on the charge of first degree murder with the pathologist, Dr. Markey, weighing in most heavily on the scales in the prosecution's favor. His testimony was essential to establishing a causal link between Montoya's behavior and the death of Lowery. It was the sufficiency of that causal linkage that engaged the careful and deliberate attention of the New Mexico Supreme Court on Montoya's appeal.

Montoya maintained that his actions should not be counted as instrumental in precipitating Lowery's death since whether the victim had been taken to a hospital for treatment or left, as he was, along a road, was irrelevant to his guilt for Lowery would have died in either event. The prosecution countered with the views of Dr. Markey on that issue.

Dr. Markey had performed the autopsy on the homicide victim. In doing so he found that the fatal bullet had entered behind Lowery's right shoulder resulting in extensive damage to his right lung and spinal cord. In his opinion it was the hemorrhaging consequent upon the trauma created by the bullet strike which was the medical cause of Lowery's death.

But as to whether Lowery might have survived if Montoya had promptly transported him directly to a hospital, he equivocated. There was "some chance" of the victim's living through it but then again "he probably would have died." (court's paraphrase). Yet, on the other hand, there was a "very slight chance that he would have lived." (court's paraphrase). Such ambivalence hardly endorses speculation nor does it make a firm case for Montoya's guilt, even in the absence of any showing that Toney was prosecuted for murder, false imprisonment and other crimes. Yet the jury returned a verdict acquitting Toney of murder but solidly convicting him of kidnapping and other lesser crimes. (On appeal that conviction was upheld. State v. New Mexico, 40 P. 3d 1002 (2002). As on previous occasions, jurors can have a mind of their own, which can be sometimes quite confounding and disgusting.