

**NEBRASKA I.A.I.**

MAY 2008

**INSIDE THIS ISSUE:**

<b>LETTER FROM THE PAST-PRESIDENT</b>	<b>2</b>
<b>CONFERENCE HIGHLIGHTS</b>	<b>5</b>
<b>OVERHEARD AT THE CONFERENCE</b>	<b>7</b>
<b>MEET THE BOARD MEMBERS</b>	<b>8</b>
<b>EDUCATION UPDATE</b>	<b>9</b>
<b>ONLINE COLLEGE LEVEL TRAINING</b>	<b>9</b>
<b>THE SHARP CASE</b>	<b>10</b>

**SPECIAL POINTS OF INTEREST:**

- Letter from the President
- Conference highlights
- New Board Members
- The Sharp Case
- Regional News and Notes
- Forensic Education Update

**LETTER FROM THE PRESIDENT**

As the newly elected President of the Nebraska Division of the International Association for Identification, I want to take this moment to thank each and every member for your participation in our organization. Without the talent of all of you, the NEIAI would not be where it is today. None of this could have happened without the untiring work and dedication of our Past Presidents and Board Members.

Once again, the 2008 Annual Training Conference was a great success. Upon completion, we had 140 NEIAI members registered and 131 members that attended the conference. We had attendees that traveled from as far away as 372 miles and as close as 4 miles to attend our conference. Thirteen presenters from Colorado, Nevada, California, Arizona, Delaware, and Nebraska made presentations on many interesting topics, like South African Evidence Fabrication, the Jessica O'Grady Murder, Forensic Entomology, Exploitation of Mass Graves, Firearms Evidence, Mobile AFIS, Nighttime Photography, Women in Forensics and Forensic Archaeology. On behalf of the entire NEIAI, I would like to thank all the presenters for their wonderful presentations.

IAI President Kenneth F. Martin reminds us in his welcome message, "The IAI is committed to six objectives, which can be cited in our Constitution. In brief, to associate persons in the forensic science profession, keep them up to date and informed, advance the relevant sciences, encourage research, provide training, education, and to the dissemination of this information through its publications thereby fostering a relationship amongst forensic practitioners worldwide." I couldn't agree more. I encourage each member to strive towards improving your skills and qualifications through continued training in your respective field.

The next NEIAI Annual Training conference has been set for April 7<sup>th</sup> and 8<sup>th</sup>, 2009 at the Eugene T. Mahoney State Park Conference Center. The planning for the conference agenda will begin soon so I encourage input from all our members on possible training topics. If you're currently in the law enforcement forensic field in Nebraska, or in the study of this field, I encourage you to become a member. I believe that the quality and diversity of our training will greatly benefit you.

I look forward to serving you as President for the next two years and I hope to see all of you at our next NEIAI Annual Training Conference.

Robert S. Hurley



## LETTER FROM THE PAST-PRESIDENT

Greetings,

The 2008 NEIAA conference will have passed by the time you read this letter. I am writing it prior to the April 2008 conference. If you attended the conference, I sincerely hope you found it a worthwhile experience. Many people spend long hours putting on the conference, and they make every effort to bring you a rich educational and networking environment.

Thank you to the Board of Director's for all of their efforts during the past year in running the NEIAI. I would like to particularly thank Mariana Ward and her staff for managing the conference, Bob McAuley for putting together the conference line-up of presenters, and Don Veys for keeping the WEB site up and going.

When I became President of the Nebraska Division of the International Association for Identification (NEIAI) in 2006 I had several goals for the next two years. A primary goal was to revise the Constitution and By-Laws. This was to bring the NEIAI Constitution and By-Laws into line with the International's, and to take care of some house keeping needs. Last year the membership approved a revised Constitution and By-Laws. If you have never read it, I invite you to do so. Among other things, there were revisions in the make-up of the Board of Directors, and membership was revised to include a student membership.

A second goal was to establish an NEIAI WEB site. This was accomplished due to the excellent skills and commendable efforts of Don Veys (Don got the WEB site up and going and continues to serve as WEB master - without pay, I might add). See [www.neiai.org](http://www.neiai.org) for the WEB site. Our WEB site gets a lot hits on a worldwide basis. It has become an icon for recognition of Nebraska IAI. One of my interests in the WEB site was to use it as a vehicle for sharing information, publishing research, and as a repository for instructional materials. If you visit our WEB site you will find that there are current information bites on NEIAI activities, links to informational WEB sites, up to date forensic news, published research articles, and PowerPoint instructional presentations. I don't know of another IAI affiliated WEB site that provides, free of charge, this level of information and materials.

A third goal was to regularly issue a newsletter. Dr. David Carter, UNL Forensic Science program, agreed to be the Newsletter Editor. He has seen to it that the newsletter has been published twice a year. This is the NEIAI Constitution and By-Laws requirement. The newsletter is published on the NEIAI WEB site. Please check it out. Dr. Carter has done an excellent job with this missive. Note the excellent article in the September 2007 newsletter dealing with the basics of forensic entomology, and the article in this issue dealing with the first known palm print case in Nebraska.

A fourth goal was to establish a closer relationship between the NEIAA and higher education institutions and students. In the past several years we have seen a great increase in the number of students at the NEIAI conference. This is excellent. We have established an opportunity for students to present papers at the conference, and we have established a forum on the NEIAI Web site for publishing student research. Many of the professors and instructors at Nebraska institutions present at the conference. The International IAI has plans underway for a student certification. Hopefully, NEIAI can facilitate this process for local students.

**NEIAI website:**  
Current  
activities, news,  
informational  
links, research  
articles  
[www.neiai.org](http://www.neiai.org)

## LETTER FROM THE PAST-PRESIDENT

As a side note, to my knowledge the following higher education institutions in Nebraska have a forensic science program or offer specific forensic courses, and have staff and students who participate in the NEIAI: University of Nebraska-Lincoln, Nebraska Wesleyan University, College of St. Mary, Chadron State College, Peru State College, Southeast Community College. An example of course content at the freshman level is a course at Southeast Community College where students study the application of material density analysis and refractive analysis as it applies to forensic science along with study of photography, bloodstain analysis, fingerprints, and other forensic subjects. If you are interested in formal education in forensic science you might want to contact one of the above institutions.

A final goal was to develop a funding and financial support program for the NEIAI. Some work has been done along these lines. I would like to point out that due to the work of William Henningsen and Don Veys you can order NEIAI products online from the NEIAI WEB site. Check this out and help support NEIAI. There is much work to be done along these lines. Membership and conference fees cost \$25.00 per year. This is the lowest fee for conference and membership of any IAI chapters. Most of the funds go to paying for room rental and other expenses for the conference. The remaining funds go to maintaining the WEB site, sponsoring board meetings, general office supplies, and the \$500.00 scholarship for attending the International IAI conference. A major goal for the future will be to try to develop a financial program for funding NEIAI to allow greater services and benefits to the membership.

I encourage anyone who has an interest to get involved with NEIAI. We are the largest active forensic science non-profit, professional organization in the State of Nebraska. Many people have contributed time and monies to build this organization and to maintain it. Without a certain "labor of love" it will not continue to exist. New energies and new ideas are always, it seems, instrumental to volunteer organization evolution. Please be active in NEIAI.

Thank you for allowing me to serve as your President for the past two years.

I ask you to give your support to the new Board of Directors through your continuing membership, recruiting of new members, and contributing of your energy and ideas.

Respectfully,

Larry Barksdale

**NEIAI:**  
The largest  
forensic science  
non-profit  
professional  
organization in  
Nebraska

## LETTER FROM THE EDITOR

Dear Nebraska IAI,

I want to talk about corridors. You know, passageways and avenues. As a biologist, I am interested in corridors that occur in nature. A natural corridor might be in the form of a park, a pool of water (see picture at right), or a carcass. Whatever form they take, and there are many, corridors are important because they support growth and the dispersal of life throughout an ecosystem. Corridors can do this because they contain all of the necessary ingredients that are required to sustain life. Some organisms use a corridor as a brief stopping point. They acquire what they need, leave what is necessary, and move on to the next one. Other organisms maintain a presence in the corridor for a longer period of time; contributing, supporting, and enhancing the corridor through their actions. When I think about natural corridors, I often think of the NEIAI.



Upon my arrival to "The Good Life" I was astounded at the expertise that we have available and the willingness to use it. Spending most of my life in Idaho, and traveling around a bit, had kept me unaware of the knowledge that is present in this area. We have very skilled in-service professionals. We have academic forensic scientists that conduct research related to science in the legal system and contribute to case work when called upon. We have a large population of students that represent the future of forensic science and many students that find forensic science the best way to achieve their non-forensic goals in medicine, pharmacy, and science. To top it off: each of these groups interacts with similar groups outside of Nebraska and further abroad. In this way, our IAI community acts as a corridor of forensic science knowledge.

I think that my recognition of Nebraska as a corridor accurately reflects the 2008 NEIAI Conference: it was a superb mix of regional talent and skills from abroad. The schedule put in place was intriguing, informative, and entertaining.

Personally, it is always fun to think about the NEIAI Conference because it was one of the first topics that I included in the Newsletter as Editor. It is more fun to attend the Conference, as it provides a chance to interact with the fixtures in our community and the professionals from other communities as they pass through our corridor.

I look forward to seeing each of you at the next conference.

Respectfully,

David O. Carter



## HIGHLIGHTS FROM THE 2008 NEBRASKA IAI EDUCATIONAL CONFERENCE

For those of you who were not able to attend this years Conference, the consensus is that you missed the best NeIAI Conference to date. The conference was held at Mahoney State Park, near Ashland, NE April 8-9, 2008; and the welcome and opening remarks given by the Lincoln Police Departments Asst. Chief Jim Peschong.

The morning session started off by attendees listening to internationally known fingerprint expert, Pat Wertheim. Mr. Wertheim gave a presentation on the ***"Inge Lotz Evidence Fabrication Murder case"*** that occurred in Cape Town, South Africa, in 2005. This is a case in which Mr. Wertheim was brought in to review fingerprint evidence for the Defense. Mr. Wertheim was able to show through his research and reconstruction of the crime scene, that the Police had fabricated three key pieces of evidence used as the basis for the arrest of Ms. Lotz's boyfriend. The 3 pieces of evidence being:

- 1) Suspect fingerprint developed from a DVD case, but turned in several weeks after the crime scene was processed. This fingerprint was determined to actually have been lifted from a drinking glass during a police interview with the suspect.
- 2) A bloody swipe mark on the bathroom floor that was said to match the Suspects shoeprint. This blood mark was found to have been swabbed, distorting the shape, and photo'd without scale, then presented as being a match, with no identifying characteristics.
- 3) The alleged murder weapon, a small ornamental ice hammer, was found to have been broken and replaced by investigators when they were testing to see if it was strong enough to produce the extent of the injuries suffered by the victim. The existence of the original and replacement hammers were discovered, and it was determined not to have been the murder weapon.

The police were found to have also misplaced and ignored some of the original evidence located at the crime scene, being semen stains, and a bloody palm print. Police also ignored the fact that the boyfriend had numerous alibis because he had been in a meeting at work across town during the time frame of the murder. The Judge found the boyfriend not only 'Not Guilty' at trial, but 'Innocent!' and admonished the police and prosecutors. Pat Wertheim also spoke of other examples of police fabrication of evidence occurring in the USA, and advised to keep your eyes open when reviewing evidence or reconstructing crime scenes.

CSI David Kofoed, Director of the Douglas Cnty Crime Lab, gave a presentation on crime scene processing, evidence testing, and court proceedings involved in the ***"Jessica O'Grady 'no body' Murder case"***. In May 2006, Jessica O'Grady was reported as a Missing Person and was said to have possibly been pregnant by boyfriend, Christopher Edwards. Police Investigators observed evidence of blood shed in Edward's bedroom, and called in the Douglas Cnty Crime Lab. The CSI's documented the blood stain patterns, and DNA analysis of 53 separate blood samples proved to be Jessica's blood. Evidence of attempts to cover-up and clean-up blood in Edwards bedroom was also documented, and proven through laboratory analysis to match three types of paint-like products Edwards had purchased. Edwards was convicted at trial. Jessica's body has not been recovered.

Doug Young gave a presentation on ***"Forensic Entomology"*** in a break-out session. Young is a Senior Crime Scene Specialist from the Austin TX Police Department and has authored an article entitled "Forensic Entomology and the Crime Scene" which was published in 2002 in the Lone Star Forensic Journal. This article was copied and inserted in the Conference folder for all attendees.

Dan Bredow and Steve Vaccaro, of the Omaha Police Department, gave an excellent presentation on ***"Firearms Ballistics"*** and on ***"NIBIN Entry and Comparisons"***. They noted that special care must be taken when dealing with firearms at the scene so not to destroy DNA evidence, fingerprint evidence, and ballistic evidence. NIBIN is a national computer data bank that can be used to compare evidence from a scene with evidence on a nationwide basis. It is similar to the DNA CODIS system.

## HIGHLIGHTS FROM THE 2008 NEBRASKA IAI EDUCATIONAL CONFERENCE

Attorney Robert Cryne from the U.S. Attorney General's Office gave a presentation entitled **"Exploitation of Mass Graves"** covering the investigations of genocide and discovery of mass graves in Iraq. Attorney Cryne was found to be a very engaging and informative speaker, and gave the audience a historical perspective of the area and culture. He described how the U.S. has been sending over specialists in the fields of Crime Scene Processing, Anthropology, Archeology, etc... to assist Legal teams in the recovery of evidence and prosecution of persons responsible for this genocide. Cryne defined a 'mass grave' as a site containing from 30 to thousands of bodies, and a lot of the time the graves contain bodies of just women and children.

Anthony Esquivel, from the Motorola Company, gave a short presentation on the use of **"Mobile AFIS"**. NSP, LPD and OPD have all purchased several units in recent years, but there was no discussion on these units current actual usage in the field. These Mobile AFIS units have a lights-out, 24/7 time frame of operation, and tap into the Nebraska AFIS's database via cell-phone. There is no 24/7 'human' verification with any 'possible matches'. When these units go out to the field, it is CRUCIAL that training be given to those users reference the statistical numbers of 'true matches' and 'false matches'. And it must be stressed that this is only another tool! ALL 'matches' should require additional investigation (ex: compare mug shot, DMV photo, find a qualified fingerprint expert, etc...) to verify the identity PRIOR to arrest and lodge situations.

For those staying over, there was a **"Night Photography"** class given Tuesday evening by Robert Cheeseman from the FUJI Company, and LPD Sgt Larry Barksdale. Mr. Cheeseman and Sgt Barksdale presented information on several techniques and specialized equipment that can be used to capture images under lowlight circumstances. Of special note was the demonstration of a high energy Infrared flashlight that could be used in conjunction with the Fuji Infrared Digital Camera. This would be of special interest to those documenting night time Crime Scenes, or doing night time Police Surveillance. A copy of the PowerPoint presentation can be obtained by request to Larry Barksdale at [lpd211@cjis.lincoln.ne.gov](mailto:lpd211@cjis.lincoln.ne.gov). Further information can be found at the website of Larry Barksdale at: [www.loboinvestigations.com](http://www.loboinvestigations.com), and the website of Robert Cheeseman at: [www.rcforensic.com](http://www.rcforensic.com).

On Wednesday, April 9, 2008, conference attendees listened to a very interesting presentation on **"Forensic Linguistics"**, by Dr. Carole Chaski. Dr. Chaski's work has been documented on the popular television show "Forensic Files". In this 1992 case, Investigators asked her assistance in assessing the content of an alleged suicide note. The note was produced via computer, so normal handwriting and fingerprinting processes could not be used in author identification. It was determined that the deceased did not Author the note, and that he died of a lethal injection of drugs that caused almost instantaneous cessation of breathing. The party responsible was determined to be the roommate of the deceased, both of whom were in medical training at the time.

Dr. Chaski's presentation began with the fundamentals of the human language, and cognitive relationships between speech and the biological structure of our vocal cords. She advised that language is a patterned behavior, and those patterns relate to identifiable linguistic markers. Those markers can be used to identify authorship of text and speech. Dr Chaski has testified in both Civil and Criminal cases, and after the conference was enroute to testify in Federal Court on a Blogging case. Dr Chaski's research and statistical analysis of her findings has helped her to develop software, named "ALIAS", to be used to detect deception of the written word and author attribution. This would be useful in investigations involving Threat assessment, suicide note authorship, etc. She can be reached at her website: [www.linguisticevidence.org](http://www.linguisticevidence.org)

Dr Melissa Connor, Director of the Nebraska Wesleyan Forensic Science program, gave a presentation on **"Forensic Archaeology"**. Aside from her teaching duties, Dr. Connor has assisted several local Law Enforcement agencies in the recovery of bodies from clandestine graves, and she has worked for the U.S. Government in the investigation of Mass Graves located in several foreign countries. She has also testified in genocide trials in regards to her findings. Her presentation included information from both types of investigations, as well as the classes she is teaching at NWU. She recently authored the book *"Forensic Methods: Excavation for the Archaeologist and Investigator"* which can be purchased on line at: [www.amazon.com](http://www.amazon.com).

During the afternoon on Wednesday, there was a break-out session of three **"Student Research Papers"** from students attending the forensic science program at the College of Saint Mary, in Omaha, NE. These presentations were:

- 1) *"Comparing Different Methods of Facial Reconstruction"*, by Juana Acosta.
- 2) *"A Toxicological Analysis of a Deadly Poison"*, by Asmin Woolfolk.
- 3) *"A General Survey of Appropriate Sterilization Methods for a Biocontainment Facility"*, by Tina Montoya.

## HIGHLIGHTS FROM THE 2008 NEBRASKA IAI EDUCATIONAL CONFERENCE

The last presentation of the conference was Pat Wertheim's first public presentation of a fingerprint forgery case entitled: **"Art World Forgery Case: Alleged Jackson Pollock painting could have been worth over \$100 million dollars"**. Mr. Wertheim was hired by the company, "Fine Art Registry"; to investigate four fingerprint impressions located on a painting, and allegedly identified as being the same print Biro observed on a paint can in the Jackson Pollock studio/museum. Mr. Wertheim explained the difference between the terminology 'Fingerprint Fabrication' (as mentioned in the Lotz Murder case) and 'Fingerprint Forgery'. Fingerprint Forgery occurs when someone *manufactures a likeness of a persons fingerprint* and plants it on a surface in which the actual person has never been in contact with. Mr. Wertheim has done personal research into this subject and described three possible methods of doing this.

- 1) Making a 3 dimensional mold of a persons fingerprints,
- 2) Create a stamp of the fingerprint using a photo engraving method, or
- 3) Direct transfer method, which involves picking a print up from one surface and depositing it onto another.

All of these methods are possible in theory, but highly unlikely due to the level of difficulty. Wertheim advised of the only other known case of fingerprint forgery, being a 1946 case in which a fortune teller made clay impressions of clients. The fortune teller then made molds of the prints, and purposely left client impressions at the scenes of a safe burglary. Fingerprint Forgery has however been the subject of several books and films, including "The Bourne Identity" and the earliest being a Sherlock Holmes story, "The Norwood Builder".

In the Jackson Pollock case, Kenneth Parker hired Canadian Art Expert, Paul Biro, to clean and restore a painting. Mr. Biro then re-contacted Parker and advised that he had 'developed' fingerprints on the backside of the painting, and had identified them as being the prints of Jackson Pollock, thus allegedly identifying Pollock as the painter. A true Jackson Pollock had recently been purchased for \$140 million dollars, and Biro was suggesting that this painting could be worth a similar amount. Biro of course needed more money to work on the Parker painting. Parker has to date spent over \$50,000 on restoration costs.

Paul Biro had several years prior, 'authenticated by fingerprint' another Jackson Pollock painting owned by truck driver, Teri Horton. Using the information that Biro had gone public with during his 'Teri Horton' painting discovery, Pat Wertheim compared the four fingerprints now seen on the Parker painting, to photo's of the single fingerprint Teri Horton painting, and the fingerprint on the paint can in the Pollock museum. Wertheim determined that they were all the same fingerprint!! However, Wertheim also determined that the probability of suddenly finding the *exact same fingerprint and only that fingerprint*, on all of these surfaces, 50+ yrs after the death of Pollock, would be highly unlikely. Wertheim suspects that Biro, who has had access to all three surfaces, forged the fingerprints by making a mold of the print in paint on the paint can, then stamping the print onto the two paintings. It should also be noted that Biro will not release the fingerprint identification report created by an expert that he hired; and Teri Horton will not allow Pat Wertheim to view her painting in person. It should also be mentioned that it is unknown if Jackson Pollock's 10-print card is on file anywhere, so it cannot even be verified that the print on the paint can in the museum is his.

Pat Wertheim gave full color copies of his final fingerprint forgery report to all NEIAI Conference attendees and local news persons. The possibility of Criminal and Civil Fraud lawsuits are expected in the near future. Mr. Wertheim also graciously stuck around after the conference and autographed the Fingerprint Forgery reports.

Sgt. Erin Sims, Lincoln Police Department

## OVERHEARD AT THE CONFERENCE...

Insightful, entertaining, and inspiring comments are often made when several knowledgeable people are put in the same building for two days. Here are a few statements that I overheard at the 2008 Conference:

"People like to look at my muscles when I work out." *Larry Barksdale, lamenting that he is sometimes treated like a piece of meat.*

"He collected hats like I do; because I'm bald." *Dave Kofoed, discussing his strategy for being a dedicated follower of fashion.*

"Did you see the size of that maggot!" *Tim Huntington, well, you probably know what he is like...*

## MEET THE BOARD MEMBERS

Following the election at the 2008 Business Meeting, here is your new NEIAI Officers Board:

### **President**

Robert Hurley, Lincoln Police Department

### **Vice President**

Josh Connelly, Douglas County Sheriff's Office

### **Secretary/Treasurer**

Mariana Ward, Nebraska State Patrol

### **Board Members**

William Henningsen, Omaha Police Department

Erin Sims, Lincoln Police Department

Bridget Driver, Nebraska State Patrol

### **Newsletter Editor**

David Carter, University of Nebraska-Lincoln

### **Webmaster**

Don Veys, Douglas County Sheriff's Office

### **Historian**

Katherine McCaul, Omaha Police Department

### **Past-President**

Larry Barksdale, Lincoln Police Department



## FORENSIC EDUCATION UPDATE

### *College of St. Mary*

The American Association of University Women (AAUW) has granted \$8,500 dollars to be spent on the 2nd CSI:CSM, A Summer Camp of Observation, Deduction, Science and Mystery (OVERNIGHT CAMP) This camp will take place June 8-13. Ages/Grades: Accepting 8th graders through 11th graders. Cost includes meals, overnight accommodations, transportation on field experiences, classroom materials and camp T-Shirt: ONLY \$25\*

Official renovations of the science hall at CSM will start April 15, 2008. Included into the project plans are not only new laboratory and classroom facilities but CSM's first human cadaver lab. Due to the exciting new renovations and hard work of planning by the science faculty, the forensic science minor will include a new course in toxicology and a human cadaver lab elective!

### *Nebraska Wesleyan University*

The Master of Forensic Science Program at Nebraska Wesleyan University is pleased to announce that Gary Plank is now a full-time assistant professor. Professor Plank is teaching and advising in the behavioral sciences track. Sgt Plank retired this fall after 28 years with the Nebraska State Patrol and was their first Behavior Profiler. With the NSP, Sgt. Plank headed up the Criminal Investigative Analy-sis Unit, the Sex Offender Registry, and the Cold Case Squad.

### *University of Nebraska-Lincoln*

The undergraduate degree program in forensic science has experienced steady growth since its inception in Fall 2007, as it is currently home to 39 students. The forensic science curriculum also continues to grow with three new courses being offered in the 2008-2009 school year. Dr. Karl Reinhard (SNR) will offer NRES 445 Human Remains in Forensic Science and NRES 446 Pollen Analysis in Biological, Behavioral and Forensic Science this fall. Dr. David Carter (Entomology) will offer FORS 485 Current Issues in Forensic Science as the capstone course in Spring 2009. Grant funds have been acquired to purchase an ABI 3130 genetic analyzer for FORS 401 Forensic Biology, which will be first offered in Spring 2010.

## QUICKIE

### **Online College Level Training**

<http://online.southeast.edu/>. Online courses are available in biology and mathematics. These are college level, transfer credit course. Larry Barksdale has taken online courses from this college.

[http://www.csc.edu/distancelearning/summer\\_cal.asp](http://www.csc.edu/distancelearning/summer_cal.asp). This is the link to Chadron State College. You can earn an online degree in mathematics, or applied science.

<http://summer.oregonstate.edu/courses/credit/online.htm>. This is the link to Oregon State University. You can take online courses in biology, chemistry, and mathematics.

<http://www.cuonline.edu/index.shtml>. This is the link to the University of Colorado. You can take courses in natural sciences and mathematics. Larry Barksdale has taken online courses from this college.

<http://ellis.nyit.edu/>. This is a link to Ellis College. You can take online courses in biology and mathematics. Larry Barksdale has taken online courses from this college.

<http://ocw.mit.edu/OcwWeb/index.htm>. This is the link to MIT open course ware. There is not college credit. The courses are demanding and great refreshers. Thanks to John Donahue for this link.

<https://fbiva.fbiacademy.edu/ORION/login.aspx?ReturnUrl=%2forion%2forionshell.aspx>. This is the link to the FBI virtual academy.

See your agency administrator for access to this source.

[http://elearn.wvu.edu/continuing/Forensic\\_Science/index.html](http://elearn.wvu.edu/continuing/Forensic_Science/index.html). The FSI (Forensic Science Initiative) has created courses in Automated Fingerprint Identification Systems (AFIS), Roles in Forensic Science, The Science of Fingerprints, Integrated Ballistic Identification System (IBIS), Ethics in Forensic Science, and Hair Evaluation for DNA Analysis. The courses are free to US local and state forensic science laboratory employees." Also, "Five additional courses are planned for 2008, including Forensic Photography and Introduction to Firearms.

## THE SHARP CASE: THE FIRST USE OF PALM PRINTS FOR CRIMINAL IDENTIFICATION IN NEBRASKA

By  
Don Arp, Jr.

With the recent successes at the Omaha Police Department and the Lincoln Police Department in getting “cold hits” on AFIS for palm prints<sup>1</sup>, it is worthwhile to examine the first case in Nebraska, and, reportedly, only the third case in the nation at the time, to link a murderer to his crime through palm print evidence. The murder in question shocked the city of Lincoln and the surrounding communities of University Place, Bethany, and Havelock. Before the case would be concluded, two trials would occur, both containing challenges to the palm print evidence, amongst other issues. In the end, the evidence stood and the murderer met his fate in the electric chair.

### An Evening Drive

At about 10:45 p.m. on the night of March 16, 1926, a blindfolded man, with his hands bound behind his back with wire, stumbled up to the house of George Carey at 1244 North Roberts Street in Bethany. The Carey family freed the man from his confinements and helped him call the police. The report that went out, eventually bringing in law enforcement officers from city, county, and state agencies, was that a husband and wife that had been assaulted and robbed, with the wife possibly being kidnapped<sup>2</sup>.

When officers responded, the man, Frank Sharp, told them that he and his wife, Harriet, had left the house of a friend in University Place and on their drive home had a problem with a tire. While Frank worked on the tire, three men drove up next to him and assaulted him. Sharp said he was struck, then blindfolded and bound before being placed in his own car which was driven away by one of the bandits. Some time later, Sharp was robbed and thrown from the car. Sharp said that Harriet was still being held by the gang. Sharp said he wandered around for two hours before hearing a dog bark and finding the Carey house<sup>3</sup>.

The combined forces of citizens and law enforcement officers scoured the area. At about 7:45 a.m. on March 17, the Sharp car was found. Inside was the bloody body of Harriet “Hattie” Sharp. Reports said that she was “beaten almost beyond recognition.” A pair of blood soaked overalls was wrapped around her neck. Two bloody hammers, one broken, were found near the car and were considered almost immediately as the sources of the trauma that had destroyed Harriet’s face and head<sup>4</sup>. With this discovery, officers from the University Place Police Department and the State Sheriff’s Office looked to one of the last people to see Hattie alive: her husband.

It was not uncommon at this time for state law enforcement officers to be called in on cases such as these. State officers could cross the jurisdictional boundaries that abounded before the annexation of the small towns surrounding cities like Lincoln. Further, state officers had access to experience, expertise, and technology (although minor) that local departments did not have and needed supplemented. The State Sheriff’s Office began with prohibition enforcement in 1917 and was solely an investigative agency until 1937, when the Nebraska Safety Patrol was created.

The Hattie Sharp murder was probably the last major case the University Place Police Department was involved in as University Place and neighboring Bethany were annexed into Lincoln by Ordinance 2752, passed by the Lincoln City Council on June 28, 1926.

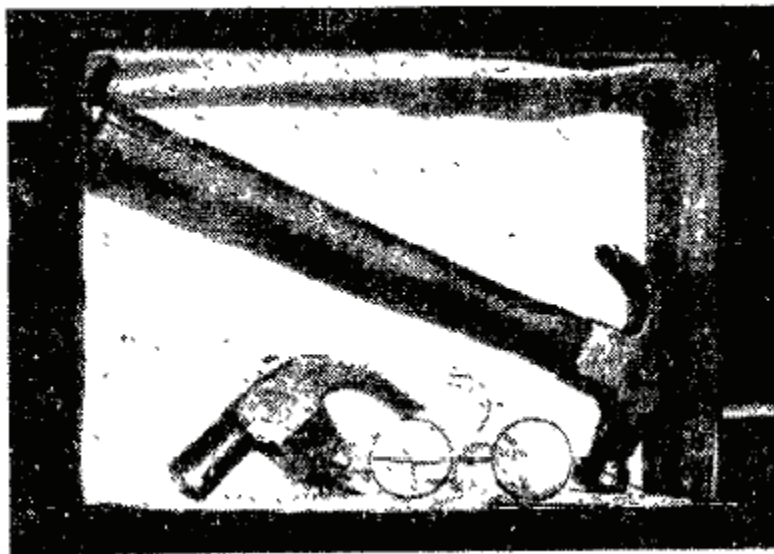
## A Person of Interest

When police told Sharp that his wife's body had been found, he is reported to have uttered, "She can't be dead. That little woman is not dead."<sup>5</sup> Police had suspicion to believe that Sharp knew very well that his wife was dead. Sharp's story, even before the finding of the body, did not seem to make much sense. Investigators wondered how he had managed to wander around for two hours without attracting the attention of a passing motorist or stumbling upon a house much closer to the point he was supposedly dumped from the car.

With the discovery of the body, Sharp was subjected to much more scrutiny. Investigators found that Sharp and his wife had been having trouble and were in fact quarreling when they left their friend's home in University Place. Further, Sharp admitted to having a criminal record and served 10 months in prison for receiving stolen goods. From this point, physical evidence began piling up on Sharp<sup>6</sup>.

## Evidence

There was a significant amount of physical evidence, both at the location of the car and on the person of Sharp. He had blood on his undergarments, socks, shirt, and pants. The hammers found near the car were identified by Sharp and he told investigators that he owned them; both were covered in blood. One hammer was complete, whereas only the head of the second hammer was discovered at the car. A search of a nearby creek area located the handle of the broken hammer. One hammer handle had detailed palm prints left in blood on its surface. Max Towle, then deputy county attorney, wore Sharp's shoes to test the impressions made in the soft creek mud. The tracks he made were identical to the ones officers found when they discovered the bloody hammer handle<sup>7</sup>.



The hammers found at the crime scene. The handle of the second hammer was later found near a creek.  
(Used with permission from the *Lincoln Journal-Star*).

Given the evidence, investigators kept pressure on Sharp. Although he told the same story over and over again, officers doubted that the supposed bandits would tie an admittedly large and powerful man up and bludgeon the much smaller woman. Further, given Sharp's physical stature, officers hypothesized that he could have put up a fair amount of resistance to the bandits<sup>8</sup>.

Investigators, believing they had strong evidence against Sharp, presented their case. They contended that Sharp and his wife had an argument and that Sharp hit his wife several times (at least 20) on the head with both hammers, breaking the first one and then getting the second to finish his crime. He then wrapped the overalls around her neck and used them to pull her over the front seat and into the back seat before he abandoned the car.

When a coroner's jury found that Sharp had caused the death of his wife, the county attorney filed murder charges against him. On March 27, 1926, Sharp entered a plea of not guilty and was assigned Max Beghtol as his defense counsel<sup>9</sup>.



Frank Sharp's mug shot, taken upon his arrest for the murder of his wife, Hattie (Used with permission from the *Lincoln Journal-Star*).

### **New Evidence**

By coincidence, State Sheriff William Condit was out of state, working a case in Detroit the week before the Sharp trial was to start. During his investigation, he happened to visit the identification bureau of the Detroit Police Department. Condit was a much touted fingerprint expert and was shown by the police experts in Detroit the work they had done recently to make a positive identification of a criminal based on palm print evidence. Condit was shocked. He had tried to process and classify the bloody palm prints on the hammer handle as best he could, taking photographs and making stereopticon slides of them. Now, he had found a way to make use of his evidence<sup>10</sup>.

On his return to Lincoln, Condit collected a set of palm prints from Sharp by inking his hand and having him grip a piece of paper rolled around another hammer handle. He sent these impressions and the photographs of the bloody prints to Detroit with State Deputy Sheriff Leslie Hanson. Two days before the trial started, the identification bureau in Detroit contacted Condit and said a match was possible: the bloody palm prints belonged to Frank Sharp. The county attorney's office got the evidence admitted and the trial began<sup>11</sup>.

### **Palm Prints in Court**

With the admission of the palm print evidence, the county attorney had to work to defend what was a practically brand new source of identification. At that time, experts working in criminal identification bureaus knew palm prints were as unique as fingerprints, but they had not really used them in court before<sup>12</sup>. To make his case, Max Towle brought Sergeant Thomas A. Dwyer and Captain Charles Carmody of the Detroit Police to Lincoln to testify about the evidence they found. These two officers, especially Carmody who was reported to have had an "international reputation," were highly respected fingerprint experts<sup>13</sup>. Carmody was also the president of the International Association for Identification (IAI) around this time<sup>14</sup>.



The palm prints left on the bloody hammer handle were compared to this set collected by State Sheriff Condit. Sheriff Condit wrapped another handle with a piece of paper and had Sharp grab it with his inked hand. A Detroit Police Department expert found fourteen points of comparison and identified Sharp as the murderer (Used with permission from the *Lincoln Journal-Star*).

Dwyer took the stand, testifying to what he found. Initially, the defense objected to the admission of the evidence because the original prints taken from Sharp by Sheriff Condit had disappeared. Capt. Carmody said that he had not received the originals, but worked from photographs. A search of the Detroit print laboratory failed to find the original which Sheriff Condit said had probably been thrown away by mistake. The presiding judge overruled the defense, accepting that the photographs were accurate representations of the evidence<sup>15</sup>. Under examination, Dwyer stated that, "Palm prints are just as certain as fingerprints" and noted that he had found 14 points of comparison between the prints taken from Sharp and the photographs of the prints on the hammer handle. These points were shown on an enlarged diagram of the print, to which the defense objected but was overruled. The defense launched an all out assault on the palm print evidence. Beghtol, the defense counsel, said that the 14 points of comparison were not enough to prove the prints belonged to Sharp and said that one expert required 500 points to make an identification (it is quite possible this last number is a typographical error in the accounts of the trial)<sup>16</sup>.

The number of points of comparison needed for an identification has been a highly debated topic in fingerprint work since the field's inception. One British expert, Charles Collins, noted in 1905 that only four points were needed<sup>17</sup>, whereas others experts like Locard called for 12 in 1911 and Bertillon called for at least 16 in 1912<sup>18</sup>. By 1920, 16 points were required in Britain<sup>19</sup>. Many examiners since this time have found eight to 12 points to be adequate<sup>12</sup>, although the IAI, after a three-year study completed in 1973, stated that, "No valid basis exists to require a predetermined number of characteristics to exist between two fingerprint impressions in order to establish positive identity."<sup>21</sup> According to once scholar, every other country but the United States has a stated point standard for identification<sup>22</sup>.

The case went to the jury on May 22, 1926. The jury returned a guilty verdict, with the death penalty attached, in about eight hours. An execution date was set for September 10, 1926. An appeal was made, which postponed the execution. At the January 7, 1927, hearing, the defense argued that errors had been made by the judge in a remark he made to the jury and that letters from Harriet to Frank, which showed there were no problems between them, should have been admitted as they cast doubt on the motive purported by the state<sup>23</sup>. The Nebraska Supreme Court agreed and ordered a second trial<sup>24</sup>.

## Second Trial

The second trial started in October 1927. The assistant county attorney characterized Sharp's story of the events of March 16 as "ridiculous" and "unbelievable." Using Sharp's previous testimony, it was shown that bandits held him for 20 to 25 minutes before dumping him about four and one-half blocks from the house of George Carey. It then took Sharp about two hours to travel this distance and alert authorities. When investigators pointed out to Sharp that he had blood on his clothes, he said, "It did not come from that woman." This was the point in the investigation when officers began to accuse Sharp of murder<sup>25</sup>.

The defense, like in the first trial, attacked the palm print evidence, saying that Sharp's prints did not match those on the bloody hammer handle. Donald Gallagher, defense co-counsel, questioned why William Evans, a Chicago fingerprint expert, was not consulted on the case. Gallagher also argued that hairs found clutched in Harriet's hand did not belong to Sharp and that Sharp was too ignorant to have simply created a story as complex as the one he told investigators and the court. The jury returned a guilty verdict again, with the death penalty attached<sup>26</sup>.

Another appeal was made in May 1928. One of the major grounds for the appeal was that the defense was not permitted to admit the deposition of William Evans, the Chicago fingerprint expert, into evidence. The prosecution said that there was no such deposition because Mr. Evans refused to be sworn<sup>27</sup>. Evans had provided the defense with letters contradicting the procedures and findings of the Detroit experts, but when it was time for his deposition, he consulted with the Cook County attorney in Illinois and upon his advice refused to be sworn<sup>28</sup>. The appeal was denied in early October 1928 and Sharp was executed in the electric chair on October 19, 1928, having never admitted guilt for his wife's murder<sup>29</sup>.

## Conclusion

The Sharp case was not a fair test of palm prints as evidence. Many questions arise when the evidence and procedures are examined from a modern forensic perspective. How was the hammer handle collected at the scene? How was the handle transported and stored? How was the handle handled during examination? Was it photographed while the blood was still wet or was the blood dry? Had the blood cracked at all? Were the photographs clear enough and scaled properly to serve as an accurate record of the prints on the hammer handle? So many questions arise from the case.

The newness of using palm prints for criminal identification in the Sharp case made the evidence vulnerable to misunderstanding and conflicting requirements. A newspaper article covering the trial said that palm prints could only be left if someone firmly grasped a smooth object and then released it in such a way as to not smear the prints; seems the reporter had never placed his hand palm down on a table or similar surface before. Also, different experts saw different findings by using different standards. A police expert in Detroit found 14 points of comparison and made the identification. Another expert, according to newspaper accounts of attorney statements, said many more were needed, but he never testified.

In the 81 years since the Sharp case, forensic science and the courts have come a long way. The procedures in place today for the admission in court of scientific evidence, like fingerprints, aim to determine the veracity and accuracy of the evidence and the processes used to collect it, knowing full well that once it is admitted, the evidence can have serious consequences for the accused. Forensic scientists should pride themselves on the continual evolution of the processes and procedures used not only because these methods help speak for those who can no longer speak for themselves, but also because they safeguard the rights of the person or persons accused.

## About the Author

Don Arp, Jr., of Lincoln, has held internships with state and federal law enforcement agencies and has taken forensic science classes at Nebraska Wesleyan University and the University of Nebraska-Lincoln. He published an article in the *Journal of Forensic Identification* (Nov/Dec 2002, Vol. 52, No. 6, pages 696-703) on using fingerprints in archaeology. He has also published in *Law and Order* and the *Nebraska Trooper*. Don is currently working on a history of state-level law enforcement in Nebraska from 1917 to 1940.

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- <sup>3</sup>Ibid
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- <sup>5</sup>Ibid
- <sup>6</sup>Ibid
- <sup>7</sup>Ibid
- <sup>8</sup>Ibid
- <sup>9</sup>Ibid
- <sup>10</sup>*Lincoln Star*, May 25, 1926.
- <sup>11</sup>Ibid
- <sup>12</sup>Ibid
- <sup>13</sup>*Lincoln Star*, May 20, 1926.
- <sup>14</sup>Cole, Simon. *Suspect Identities: A History of Fingerprinting and Criminal Identification* (Cambridge: Harvard University Press, 2001): 276.
- <sup>15</sup>Lincoln Star May 20, 1926.
- <sup>16</sup>Ibid
- <sup>17</sup>Cole, 202.
- <sup>18</sup>Ibid, 201.
- <sup>19</sup>Ibid, 201.
- <sup>20</sup>Ibid, 202.
- <sup>21</sup><http://www.theiai.org/history/>; also Saferstein, Richard. *Criminalistics: An Introduction to Forensic Science* (Englewood Cliffs: Prentice Hall, 1995), 416.
- <sup>22</sup>Cole, 262.
- <sup>23</sup>*Evening State Journal/Lincoln Daily News*, October 8, 1927 and October 19, 1928.
- <sup>24</sup>*Evening State Journal/Lincoln Daily News*, October 8, 1927.
- <sup>25</sup>*Evening State Journal/Lincoln Daily News*, October 17, 1927.
- <sup>26</sup>Ibid
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- <sup>28</sup>*Lincoln State Journal*, September 29, 1927.
- <sup>29</sup>*Evening State Journal/Lincoln Daily News*, October 1, 1928 and October 19, 1928.