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Police Science Legal Abstracts and Notes

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POLICE SCIENCE LEGAL ABSTRACTS AND NOTES

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Exclusion of Expert Witnesses During Trial

Prior to the beginning of the trial in the recent case of *People v. Sink*, 30 N. E. (2d) 40 (Ill., 1940), the court ordered all witnesses excluded from the court room. However, after a pathologist had testified for the state, the court permitted him to remain in the room, and at times during the trial he consulted with the state's attorney.

Objection was made to his presence and consultation, but the court overruled the objection. Later the witness was recalled in rebuttal. Upon appeal the trial court's ruling was alleged to constitute reversible error, but the Illinois Supreme Court held that the trial court "was vested with a discretion in this matter and there was no abuse of discretion in that regard."

Fingerprints: Inadmissibility of Fingerprint Card Bearing Previous Criminal History of the Accused

At the trial of the notorious Jack Russel (alias) in *U. S. v. Dressler*, 112 Fed. (2d) 972 (1940), the prosecution introduced in evidence expert testimony regarding the finding and identification of the defendant's fingerprints on the automobile in which the victim was kidnapped and killed. Subsequent to the introduction of the expert testimony the jury was permitted to examine and compare (and take with them to the jury room) the questioned prints and the standard specimens of the defendant's prints as they appeared on police fingerprint cards, the backs of which contained notations as to the defendant's previous criminal record. The trial ended in a conviction and upon appeal the case was

reversed, on the ground that the information as to the defendant's previous criminal record, on the back of the fingerprint cards, may have had a prejudicial effect and should not have been permitted to reach the jury.

In its opinion the court mentioned the fact that one way to use a fingerprint card as evidence without encountering the difficulty which arose in this case is to cover up the back of the card so that the notations as to the defendant's previous criminal record will not be seen by the jury. Such a procedure was followed in the case of *Moon v. State*, 22 Ariz. 418, 198 Pac. 288 (1921).

Blood Grouping Tests

In the recent murder case of *Williams v. State*, 197 So. 562 (Fla., 1940), expert testimony was admitted into evidence to show that blood on the defendant's trousers was of a blood group different from his own but the same as that of the victim.

Upon appeal from a conviction the appellate court upheld the trial court's ruling in admitting the results of the blood grouping tests, stating: "Any evidence tending to identify defendant as the guilty person, and to show his presence at the scene of the crime is relevant and competent."