

1941

Police Science Legal Abstracts and Notes

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Police Science Legal Abstracts and Notes, 32 J. Crim. L. & Criminology 126 (1941-1942)

This Criminology is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

Fingerprints—Is Fingerprint Identification Sufficient to Support a Conviction for a Criminal Offense?

The Supreme Court of North Carolina in *State v. Helms*, 12 S. E. (2d) 243, 218 N. C. 592 (1940), made the following comment with regard to the probative value of fingerprint identification where there is no other evidence connecting the defendant to the crime: "Evidence of fingerprint identification, that is proof of fingerprints corresponding to those of the accused, found in a place where the crime was

committed under such circumstances that they could only have been impressed at the time when the crime was committed, may be sufficient to support a conviction in a criminal prosecution." Although the case was reversed on other grounds, and therefore the above-quoted comment cannot be taken as the actual holding of the Supreme Court, it does reflect an attitude which will undoubtedly meet with the approval of fingerprint experts.

New York Statute on Tests for Alcoholic Intoxication

The New York State Legislature recently enacted a statute containing the following provision regarding tests for alcoholic intoxication:

"Upon the trial of any action or proceeding arising out of acts alleged to have been committed by any person arrested for operating a motor vehicle or motor cycle while in an intoxicated condition, the court may admit evidence of the amount of alcohol in the defendant's blood taken within two hours of the time of the arrest, as shown by a medical or chemical analysis of his breath, blood, urine, or saliva. For the purposes of this section (a) evidence that there was, at the time, five-hundredths of one per centum, or

less, by weight of alcohol in his blood, is prima facie evidence that the defendant was not in an intoxicated condition; (b) evidence that there was, at the time, more than five-hundredths of one per centum and less than fifteen-hundredths of one per centum by weight of alcohol in his blood is relevant evidence, but it is not to be given prima facie effect in indicating whether or not the defendant was in an intoxicated condition; (c) evidence that there was, at the time, fifteen-hundredths of one per centum, or more, by weight of alcohol in his blood, may be admitted as prima facie evidence that the defendant was in an intoxicated condition.

"This act shall take effect July first, nineteen hundred forty-one."