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## Police Science Legal Abstracts and Notes

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## POLICE SCIENCE LEGAL ABSTRACTS AND NOTES

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### Expert Testimony—Fingerprints as Sole Evidence in a Burglary Conviction

The Court of Criminal Appeals of Texas, 151 S. W. (2d) 211 (1941), affirmed the decision of the trial court in *Grice v. State*, where the defendant was convicted of burglary on his fingerprints alone. The burglary in question was perpetrated by removing the moulding and taking a pane of glass out of a door. An expert examination disclosed a fingerprint on the glass extending into that portion which had been covered by the moulding while in place in the door. After comparing this finger-

print with that of the defendant's and indicating eighteen points of similarity, the expert testified that the prints were identical.

The court of appeals stated that if there is but one person having this exact fingerprint and the defendant is shown to be that person, then it may well be reasoned that the evidence points to the defendant, to the exclusion of all others, as the party who entered the building.

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### Expert Testimony—Effective Range of Automobile Headlights

In the case of *Lucies v. Norcross*, 37 N. E. (2d) 498 (1941), involving the death of a pedestrian, the defendant testified he did not see the deceased on the highway until he was within 6 feet of him. The defense objected to the testimony of an expert witness, who stated that in his opinion automobile headlights on a low beam

would pick up an object the size of a man at a distance of 30 to 35 feet. The Supreme Judicial Court of Massachusetts ruled the testimony of the witness was proper, since it could be reasonably assumed that the defendant complied with the Massachusetts statutes requiring headlights to be regularly inspected.

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### Proof of Handwriting Standard—Pawn Ticket Signature Identified by Clerk's Testimony

In the case of *People v. Lambath*, 297 N. W. 519 (Mich.) 1941, the defendant was convicted of burglary but claimed the trial court erred in allowing a handwriting expert to testify that documents found in the possession of the defendant at the time of his arrest were written in the same hand as the signature on the pawn ticket. The signature on the pawn ticket was positively identified as the defendant's by the pawn clerk who witnessed the transaction. The Supreme Court of Michigan held it was not error to use this exhibit (the pawn

ticket), which had been identified as bearing the defendant's writing, as a basis of comparison to determine if the documents found in the defendant's possession were written in the same handwriting. [*Editor's Note.* It cannot be determined from the case report the significance of proving that the writing in the defendant's possession was in his own handwriting for logically it would seem that the signature on the pawn ticket should have been the writing in question.]