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Police Science Legal Abstracts and Notes

POLICE SCIENCE LEGAL ABSTRACTS AND NOTES

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Admissibility of Evidence as to Trailing by Bloodhounds—In the case of *State v. Green*, —La.—, 26 So. (2d) 487 (1946), in which the defendant was convicted of burglary of a railway station, one of the assignments of error urged by him on appeal was the trial court's ruling admitting in evidence testimony as to the trailing of the defendant by a bloodhound. The Supreme Court of Louisiana, in sustaining the trial court's ruling, quoted from the case of *State v. Harrison*, 149 La. 83, 88 So. 696, 697, in which the opinion recites: "So-called bloodhound testimony is admissible in evidence against a person accused of crime, merely as a circumstance tending to prove his guilt. *State v. King*, 144 La. 430, 80 So. 615. In some states such evidence is not admissible at all, and in those states in which it is admissible, the rule is that it should not be admitted until a proper foundation has been laid, by some proof of the reliability of the dogs, their acuteness of scent and power or sense of discrimination, and, in that respect, their reputation for trailing criminals, their pedigree, training, etc. With all that the text-writers on the subject doubt that any trial judge would allow a conviction to stand upon proof only of the trailing by bloodhounds." The Louisiana Supreme Court then held that the bloodhound testimony was merely one of the circumstances upon which the verdict was based, as the trial judge stated that the conviction was upon the defendant's confession and other corroborative testimony of which the bloodhound evidence was only one part. Furthermore, the court was satisfied that the defendant had not been denied full opportunity, by cross-examination and otherwise, to inquire into the breeding and testing of the dog and into the circumstances and details of the hunt and to introduce other pertinent testimony for the purpose of destroying the incriminating value of the evidence. Under these circumstances, the court held that the testimony as to trailing by bloodhounds may be permitted to go to the jury "for what it is worth" as "one of the circumstances" which may tend to connect the defendant with the crime.

Admissibility in Evidence of Laboratory Comparison Tests of Debris—As a police officer approached an automobile supply store two men who were standing near the store ran and disappeared down an alley, but the police officer observed their size, their clothing, and that both were bareheaded and one wore glasses. The officer found four automobile tires lying in the alley nearby. An hour later, he saw the defendant and one Knotts at the police station after they had been apprehended by other members of the police force. While the defendant and Knotts were sitting in the police station, a police officer observed Knotts wipe his hands on his handkerchief and put it in his pocket. A few days later the police officer took the handkerchief away from Knotts and wrapped it in an envelope and sealed it. He then wiped some talcum out of the inside of the tires with a

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towel and wrapped it and sealed it. The handkerchief and towel were mailed to the F. B. I. Laboratory at Washington, D. C.

At the trial of the defendant, the officer who saw the two men flee from the scene of the tire store testified that the men were the defendant and Knotts. A special agent of the F. B. I. assigned to the laboratory was permitted, over objection of the defendant, to testify concerning his examination "under a microscope and with a special light" at the laboratory, of the debris taken from Knott's handkerchief, and that taken from the towel, and to state that he found no difference in the contents of the debris. He concluded that on the basis of this examination both materials could have come from the same source.

The Supreme Court of Indiana, in affirming the conviction of the defendant of burglary and the sentence of imprisonment of twelve years, held that the expert's testimony was competent evidence on the issue of identity of the persons who committed the crime, and that while the fact that the handkerchief was taken from the pocket of Knotts several days after the crime was committed might affect the weight of the evidence, it did not affect the competency thereof. *Medsker v. State,* —Ind.—, 70 N.E. (2) 182 (1946).

Admissibility of Spectroscopic Evidence—In the case of *Medley v. United States,* 155 F. (2d) 857 (App. D.C., 1946), when the defendant was arrested on suspicion of murder during the commission of a robbery, a revolver, several bullets, and a fingernail file were found in his possession. At the defendant's murder trial the Government, in an effort to prove that the bullets taken from the body of the victim were fired by the defendant, introduced evidence that the noses of the bullets found in the defendant's possession had been scraped in a similar fashion to the bullets that caused the death of the victim. This was followed by expert testimony that a spectroscopic examination revealed that the fingernail file found in defendant's possession when arrested contained particles of metal identical with that on the fired ammunition. On appeal, the defendant contended that the trial court erred in admitting the spectrographic evidence, since spectroscopy lacks the degree of certainty justifying its use in evidence in a criminal case. The Court of Appeals sustained the conviction and held that "spectroscopy" is now in general use and acceptance in scientific research and industrial analysis and the results are competent legal evidence.
