

Winter 1951

Police Science Legal Abstracts and Notes

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Recommended Citation

Police Science Legal Abstracts and Notes, 42 *J. Crim. L. Criminology & Police Sci.* 560 (1951-1952)

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POLICE SCIENCE LEGAL ABSTRACTS AND NOTES

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Search of Employee's Desk Held Unreasonable—A government employee was arrested without warrant for petty larceny and at the time of arrest her office desk was searched, various articles being seized. In *U. S. v. Blok*, 188 F. 2d 1019 (D. C. Cir. 1951), the court ruled that since the arrest was illegal because it was without warrant and for a misdemeanor, the resultant search was unreasonable. The defendant was found to have standing to object to the search because of her exclusive right to use the desk. A possessory right was rejected as a test of when an individual has standing to object to an unreasonable search, as was the theory that the defendant's superiors had validated the search by giving their permission to it.

State Need Not Prove a Beverage Intoxicating to Sustain Drunk Conviction—In *Douglas v. State*, 225 P. 2d 376 (Okla. 1950), a prosecution for driving while intoxicated, the defendant claimed that he had imbibed only 3.2 beer and it was incumbent upon the prosecution to prove that such a beverage is intoxicating. The court rejected this novel defense stating that the sole question is whether or not the defendant was under the influence of liquor and the type or amount of liquor consumed is immaterial. An Oklahoma statute providing that beverages with 3.2 alcoholic content are non-intoxicating was thought to be merely a licensing regulation and thus not controlling in the instant case.

Photograph of Drowning Victim Taken Two Weeks After Murder Held Admissible—After an unusual trial the defendant in *State v. Meyers*, 81 A. 2d 710 (N.J. 1951), was found guilty of murdering his wife. The facts disclosed that the defendant had an altercation with his spouse which culminated in his administering a beating to her and coercing her by threats and suggestions to jump in a nearby river. The body was found some two weeks later and at that time investigating officers took photographs of the deceased woman. The introduction of these photographs in evidence was objected to as an attempt to inflame the passions of the jury. The Supreme Court of New Jersey ruled that the photographs were admissible to establish the drowning, for purposes of identification and to prove the corpus delicti. Two weeks was thought not to be too long of an interval after death to destroy the pictures' accuracy.

Firearms Identification and Fingerprint Evidence—The defendant in *People v. Buckowski*, 233 P. 2d 912 (Calif. 1951), was charged with having murdered his burglary victim. At the trial a firearms identification expert asserted that a gun found in the defendant's apartment was the murder weapon. This testimony was objected to, because the gun in question marked each bullet discharged in a different spot. The upper court ruled that so long as the expert testified that the markings made on the test bullets fired were identical to those on the murder bullet, the evidence was admissible. The court further held that the expert's presence in court obviated the necessity of introducing photographs to prove the murder bullet was fired from the gun in question.

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The court also decided that a palm print found at the scene of the crime, was properly admitted as evidence since there were twenty-six points of similarity between the print and the defendant's palm print.

Lie Detector and Truth Serum Test Results Held Not Admissible as Evidence—
In *Henderson v. State*, 230 Pac. 2d 495 (Oklahoma, 1951), the defendant accused of rape offered in evidence the results of "lie-detector" and "truth serum" tests conducted upon the defendant which his counsel alleged to be indicative of the defendant's innocence. The evidence was rejected by the trial court, and the Criminal Court of Appeals of Oklahoma sustained the trial court's ruling in that respect. The Court of Appeals recognized the utility of the lie-detector technique as an investigative aid, but as regards the admissibility of lie-detector test results as well as the result of so-called truth-serum tests the court said: "The efficacy of neither the lie detector or the truth serum test have gained that standing and scientific recognition nor demonstrated that degree of dependability to justify the courts in approving their use in the trial of criminal cases."