

Winter 1952

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.* 703 (1951-1952)

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POLICE SCIENCE LEGAL ABSTRACTS AND NOTES

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Evidence Acquired by Forcible Use of Stomach Pump Device Found Inadmissible—The Supreme Court in *Rochin v. California*, 72 S. Ct. 205 (1951), was faced with a factual situation where deputy sheriffs, having had some information that accused was selling narcotics, forced their way into his room and forcibly attempted to extract capsules which accused swallowed. Failing at this they took the accused to a hospital where a physician, at deputy sheriff's direction, forced an emetic solution into the accused's stomach by means of a tube. This "stomach pumping" caused vomiting, and in the vomited matter were found two capsules containing morphine. The Supreme Court, in reversing the California court's conviction of the defendant, held that the method in which the evidence was obtained violated the Due Process Clause of the Fourteenth Amendment to the Federal Constitution. Mr. Justice Black, in a concurring opinion restated the views he expressed in *Adamson v. California*, to the effect that state as well as federal enforcement officials must follow the Fifth Amendment's command that "No person . . . shall be compelled in any criminal case to be a witness against himself."

Results of "Truth Serum" Test Inadmissible as Evidence—The defendant in *People v. McNichol*, 100 Cal. App. 544, 224 P. 2d 21 (1950), was arrested for passing bad checks and pleaded as a sole defense unconsciousness due to intoxication. Statements made to a psychologist while under the influence of truth serum or sodium pentathol were not admissible for the defense as records of past recollection where the defendant claimed that he was unconscious at the time of the act. Nor were the statements admissible to show the facts upon which the psychologist based his opinions as to the defendant's intent when the opinion was given in response to a hypothetical question assuming facts already in evidence.

Admissibility of Evidence of Defendant's Blood Type—In *State v. Alexander*, 83 A. 2d 441 (N. J., 1951), a murder prosecution, the court admitted evidence of the defendant's blood type, as ascertained from a specimen of blood taken from the defendant while in custody. This evidence was used for the purpose of showing that blood on a knife found at the scene of a homicide contained blood of the same type as that of defendant's blood. (The knife apparently belonged to the deceased and had been used by her to defend herself from an attack by the accused who was cut with it before he in turn used it on the deceased.) The defendant asserted error in the admission of the blood grouping evidence on the ground that the specimen had been obtained from him in violation of his rights and privileges against self-incrimination, unreasonable search and seizure, and due process. The New Jersey Supreme Court held that such evidence was admissible and did not violate any of these constitutional rights and privileges.

(For additional abstracts of recent cases see p. 648.)

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