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Police Science Legal Abstracts and Notes

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POLICE SCIENCE LEGAL ABSTRACTS AND NOTES

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Photographs Improperly Admitted in Evidence But Not Prejudicial Error—In *People v. Logan*, 247 P.2d 918 (Calif. 1952), the defendant was convicted of robbery and assault with a deadly weapon. The defendant allegedly struck a woman with a baseball bat and stole her purse. On appeal it was contended that the court erred in admitting photographs. The first photograph showed the bandaged victim sitting on the ground at the scene of the crime with police officers and the defendant standing around. The second showed the victim lying on a stretcher at the scene of the crime with police officers and the handcuffed defendant standing around. The third, taken at the police station, showed the defendant facing downward at a baseball bat and the stolen purse.

The court points out that the presence of the defendant in these photographs did not clarify any of the evidence; it was not relevant; and the admission of the photographs placed an additional, uncalled for duty on the jury to disregard the presence of the defendant in the photographs. The court concludes that the district attorney is not "to be commended" for offering these photographs in evidence, that they were improperly admitted; however, in view of other overwhelming evidence of guilt, it was not reversible error.

The Admissibility of Statements Made While Under the Influence of "Truth Serum"—In *People v. Ford*, 107 N.E. 2d 595 (N.Y. 1952); a psychiatrist examined a defendant awaiting trial for murder. The psychiatrist interviewed the defendant on three occasions. On the second interview he injected into the defendant sodium amytal, popularly called "truth serum," to assist in determining the defendant's sanity. At the trial the psychiatrist testified that the defendant was legally sane but incapable of premeditation or deliberation. On objection, the court held that all testimony pertaining to the second interview was inadmissible on the ground that disclosures made with such an injection had never been admitted in evidence in a New York court. The jury heard the court's definition of "premeditation" twice and finally convicted the defendant of murder in the first degree.

The Court of Appeals affirmed the previous ruling without opinion. Judge Desmond dissented, stating that sodium amytal has been clinically accepted by the medical profession as a standard and valid method for testing mental condition. He pointed out that the drug was not used as a "truth serum" or for lie detection purposes, but merely as an aid in the general psychiatric examination. The inadmissibility of test results regarding an accused person's veracity, according to the dissenting opinion, has nothing to do with the problem in this case respecting the subject's sanity.

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